

CONSOLIDATING  
AND FUTURE  
PROOFING THE NPA

2023/24



National Prosecuting Authority  
South Africa

ANNUAL  
REPORT

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# ACRONYMS

<b>ACTT</b>	Anti-Corruption Task Team
<b>ADR</b>	Alternative Dispute Resolution
<b>AFU</b>	Asset Forfeiture Unit
<b>APP</b>	Aspirant Prosecutor Programme
<b>BACSA</b>	Business Against Crime South Africa
<b>BRICS</b>	Brazil, Russia, India, China and South Africa
<b>C-ADR</b>	Corporate Alternative Dispute Resolution
<b>CARA</b>	Criminal Assets Recovery Account
<b>CFT</b>	Combatting the Financing of Terrorism
<b>CPA</b>	Criminal Procedure Act, 51 of 1977
<b>CPI</b>	Community Prosecution Initiative
<b>CPO</b>	Court Preparation Officer
<b>CTFC</b>	Counter Terrorism Functional Committee
<b>DDPP</b>	Deputy Director of Public Prosecutions
<b>DEEC</b>	District Efficiency Enhancement Committee
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DNA</b>	Deoxyribonucleic Acid
<b>DNDPP</b>	Deputy National Director of Public Prosecutions
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>DPCI</b>	Directorate for Priority Crime Investigation
<b>DPCI: CATS</b>	DPCI: Crimes Against the State
<b>DPCI: PCSI</b>	DPCI: Priority Crime Specialised Investigations
<b>DPP</b>	Director of Public Prosecutions
<b>DPSA</b>	Department of Public Service and Administration
<b>ECMS</b>	Electronic Case Management System
<b>EWP</b>	Employee Wellness Programme
<b>ExCo</b>	Executive Committee
<b>FATF</b>	Financial Action Task Force
<b>FIC</b>	Financial Intelligence Centre
<b>GBV</b>	Gender Based Violence
<b>GBVF</b>	Gender Based Violence and Femicide
<b>HRM&amp;D</b>	Human Resources Management and Development
<b>ICT</b>	Information and Communications Technology
<b>ID</b>	Investigating Directorate
<b>IDAC</b>	Investigating Directorate Against Corruption
<b>IMU</b>	Integrity Management Unit
<b>IPAC</b>	Independence, Professionalism, Accountability, Credibility
<b>IPID</b>	Independent Police Investigative Directorate
<b>ISM</b>	Information Systems Management

<b>ISS</b>	Institute for Security Studies
<b>IT</b>	Information Technology
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>KZN</b>	KwaZulu-Natal
<b>LAD</b>	Legal Affairs Division
<b>ManCo</b>	Management Committee
<b>MLA</b>	Mutual Legal Assistance
<b>MoU</b>	Memorandum of Understanding
<b>MPTT</b>	Missing Persons Task Team
<b>MS</b>	Microsoft
<b>MTEF</b>	Medium-Term Expenditure Framework
<b>MTSF</b>	Medium-Term Strategic Framework
<b>NCAC</b>	National Conventional Arms Control
<b>NCTS</b>	National Counter Terrorism Strategy
<b>NDPP</b>	National Director of Public Prosecutions
<b>NEEC</b>	National Efficiency Enhancement Committee
<b>NGO</b>	Non-Governmental Organisation
<b>NICOC</b>	National Intelligence Co-ordinating Committee
<b>NOMM</b>	National Operations Management Meeting
<b>NPA</b>	National Prosecuting Authority
<b>NPAA Act</b>	National Prosecuting Authority Amendment Act, 10 of 2024
<b>NPCOC</b>	National Priority Crime Operational Committee
<b>NPS</b>	National Prosecutions Service
<b>OCC</b>	Organised Crime Component
<b>OEA</b>	Office for Ethics and Accountability
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>OWP</b>	Office for Witness Protection
<b>PEEC</b>	Provincial Efficiency Enhancement Committee
<b>PCLU</b>	Priority Crimes Litigation Unit
<b>PFMA</b>	Public Finance Management Act, 1 of 1999
<b>POCA</b>	Prevention of Organised Crime Act, 121 of 1998
<b>PROMANCO</b>	Provincial Meetings of Senior Management
<b>PROVJOINTS</b>	Provincial Joint Operational and Intelligence Structure
<b>REEC</b>	Regional Efficiency Enhancement Committee
<b>SAPS</b>	South African Police Service
<b>SAPS CI</b>	SAPS Crime Intelligence
<b>SARS</b>	South African Revenue Service
<b>SCCC</b>	Specialised Commercial Crimes Court
<b>SCCU</b>	Specialised Commercial Crimes Unit

# ACRONYMS

<b>SDPP</b>	Special Director of Public Prosecutions
<b>SIU</b>	Special Investigating Unit
<b>SMO</b>	Strategy Management Office
<b>SMS</b>	Senior Management Services
<b>SOC</b>	Strategy, Operations and Compliance
<b>SOCA</b>	Sexual Offences and Community Affairs
<b>SSA</b>	State Security Agency
<b>STU</b>	Specialised Tax Unit
<b>TCC</b>	Thuthuzela Care Centre
<b>TFNRA</b>	Terror Financing National Risk Assessment
<b>TIP</b>	Trafficking In Persons
<b>TRC</b>	Truth and Reconciliation Commission
<b>UN</b>	United Nations
<b>UNCAC</b>	United Nations Convention Against Corruption
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>US</b>	United States
<b>VAT</b>	Value Added Tax
<b>WGB</b>	Working Group on Bribery

## CASE-RELATED ACRONYMS

<b>ABB</b>	Asea Brown Boveri
<b>NLC</b>	National Lotteries Commission
<b>PRASA</b>	Passenger Rail Agency of South Africa
<b>SAP</b>	Systemanalyse Programmentwicklung



## VISION

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



## MISSION

Guided by the Constitution, we in the NPA 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.



## VALUES

**Integrity** demonstrated through ethical conduct, high moral standards, honesty, moral principles and values, zero tolerance for bribery and corruption, keeping promises, truthfulness and being beyond reproach.

**Professionalism** evidenced by commitment, dedication, punctuality, competence and professional conduct in and out of court.

**Accountability** based on transparent actions and spending, regular contact with partners and routine reporting.

**Credibility** built by behaving consistently and aiming to inspire belief and trust.

**Service excellence** proven by providing first class customer service and complying with the Batho Pele principles.

## STRATEGIC OUTCOMES

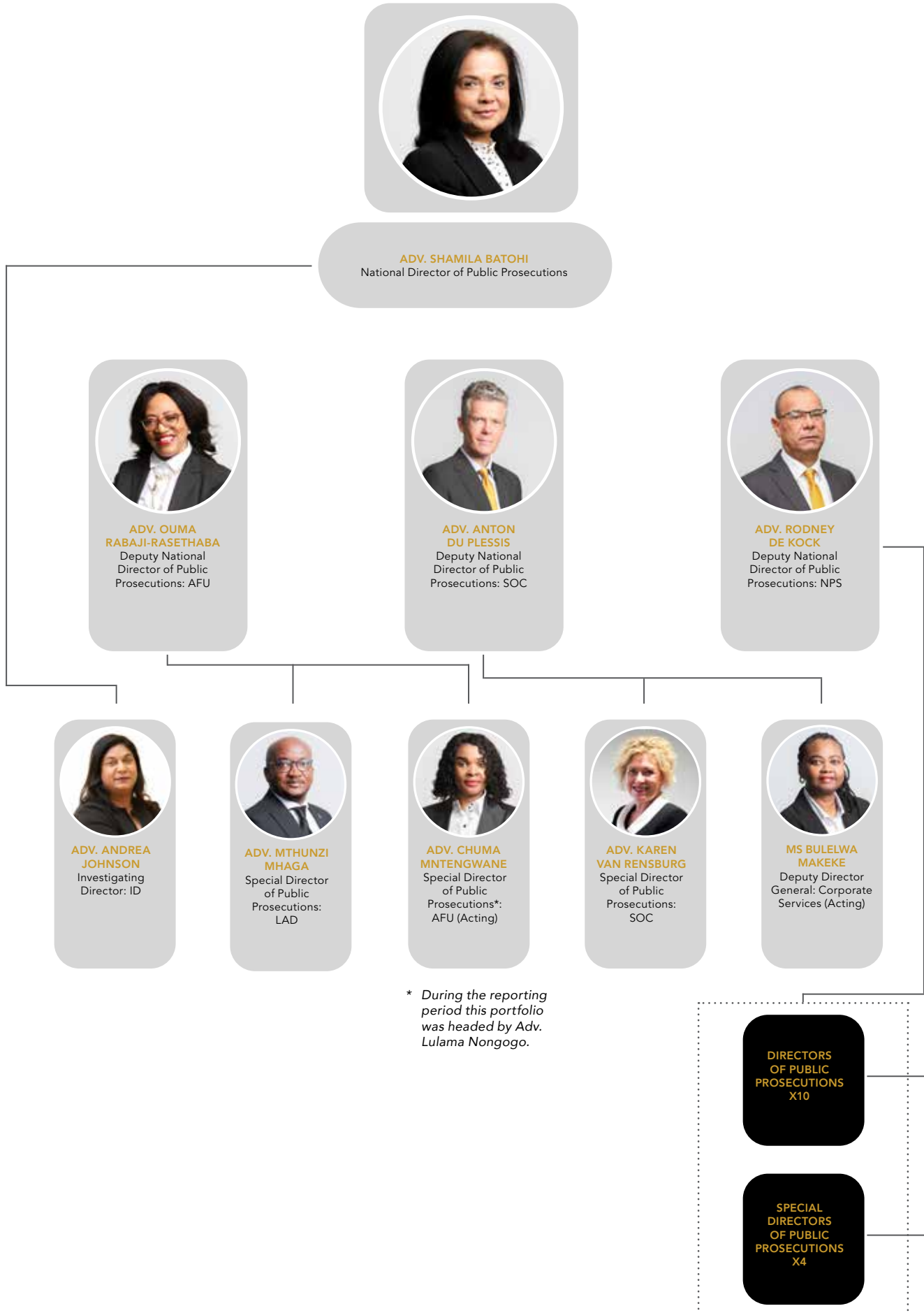
The strategic outcomes of the NPA for 2020-2025 are the following:

- Increased feelings of safety and security for all South Africans.
- Improved investor confidence in South Africa through high-impact prosecutions.
- Improved access to NPA services for all.

To achieve these outcomes, the NPA commenced the implementation of several strategic initiatives:

- Enhancing internal accountability through the development of the Office for Ethics and Accountability to monitor and strengthen internal integrity and service delivery.
- Capacitating the NPA and ensuring that all regions and business units have the requisite specialist capacity.
- Increasing the use of information technology and digitisation.
- Institutionalising the Innovation and Policy Support Office.
- Implementing a countrywide Community Prosecution Initiative.

# ORGANISATIONAL STRUCTURE





**NATIONAL PROSECUTIONS SERVICE**

**DIRECTORS OF PUBLIC PROSECUTIONS**



**MR BARRY MADOLO**  
Director of Public Prosecutions: Eastern Cape Division



**ADV. NAVILLA SOMARU**  
Director of Public Prosecutions: Free State Division



**ADV. SIBONGILE MZINYATHI**  
Director of Public Prosecutions: Gauteng Division, Pretoria



**ADV. ANDREW CHAUKE**  
Director of Public Prosecutions: Gauteng Local Division, Johannesburg



**ADV. ELAINE HARRISON**  
Director of Public Prosecutions: KwaZulu-Natal Division



**ADV. IVY THENGA**  
Director of Public Prosecutions: Limpopo Division



**MR SONJA NTULI**  
Director of Public Prosecutions: Mpumalanga Division (Acting)



**MR LIVINGSTONE SAKATA**  
Director of Public Prosecutions: Northern Cape Division



**ADV. RACHEL MAKHARI-SEKHAOLELO**  
Director of Public Prosecutions: North West Division



**ADV. NICOLETTE BELL**  
Director of Public Prosecutions: Western Cape Division

**SPECIAL DIRECTORS OF PUBLIC PROSECUTIONS**



**ADV. TRISH MATZKE**  
Special Director of Public Prosecutions: NPS and Tax



**ADV. NKEBE KANYANE**  
Special Director of Public Prosecutions: SCCU



**ADV. BONNIE CURRIE-GAMWO**  
Special Director of Public Prosecutions: SOCA



**ADV. GIDEON NKOANE**  
Special Director of Public Prosecutions: PCLU (Acting)

# ORGANISATIONAL STRUCTURE – SOC



**ADV. ANTON du PLESSIS**  
Deputy National Director of Public Prosecutions:  
Strategy, Operations and Compliance (SOC)

**ADV. KAREN VAN RENSBURG**  
Special Director of Public Prosecutions SOC

**MS BULELWA MAKEKE**  
Deputy Director General: Corporate Services (Acting)

**MS HANIKA VAN ZYL**  
Chief Director Financial Management

**MS SALOME BALOYI**  
Chief Director Strategy Management Office

**MR DENTON SEROBATSE**  
Chief Director: Information Systems Management

**MR TSHILIDZI MUKWEVHO**  
Chief Director: Security Management Services (SMS)

**MS NOMILO MPONDO**  
Chief Director: Communications (Acting)

**MS TSHIDI MODISE**  
Chief Director: Human Resource Management and Development (HRMD)

**MR MILTON NTSEHI**  
Chief Director: Integrity Management Unit (IMU) (Acting)

# FOREWORD

BY THE NATIONAL  
DIRECTOR OF PUBLIC  
PROSECUTIONS





## FOREWORD BY THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

“Our country has again become a beacon of hope in a world where the rule of law is being stress-tested like never before.”

In 2019, when I was appointed as National Director of Public Prosecutions (NDPP) after a transparent selection process, South Africa was reeling. A decade of grand corruption perpetrated during the state capture era had almost destroyed our country, disproportionately affecting the poor and the vulnerable. South Africans were crying out for accountability, and all eyes were on the National Prosecuting Authority (NPA) to deliver justice and restore faith in the rule of law.

I returned to the NPA as an optimist, after just over nine years at the International Criminal Court in the Hague. I had a burning ambition to fight the good fight for justice and contribute in a meaningful way to rebuilding the NPA and our country. I could never have known the extent of the challenges that lay ahead: not only for the NPA, but also for the broader criminal justice system that had been (intentionally) brought to its knees by the architects of state capture.

Yet despite these challenges, we have made important progress. I wish to thank the many hard working and committed NPA staff who continued to serve the people of South Africa during the dark days of state capture and who assisted with the challenging task of rebuilding the organisation. Together, we have breathed new life into the rule of law and we are nursing it back to health. Our country has again become a beacon of hope in a world where the rule of law is being stress-tested like never before.

Five years into our new Strategic Plan, the NPA today is a well-run, professional entity with leaders (who are predominantly women) of the highest standards of integrity and skills, beholden only to the rule of

law. Those who did not meet this standard were removed, and internal disciplinary processes have been instituted against colleagues facing allegations of impropriety. This is vastly different to the NPA of the state capture years. While the wheels of justice are not turning as fast as we would like, the days of widespread impunity and the unlawful persecution and targeting of persons that posed a risk to the state capture project are over.

Our turnaround strategy to build a fit-for-purpose, modern prosecution service included the following key strategic initiatives:

- Establishing an Office for Ethics and Accountability (OEA) to promote accountability and service delivery
- Launching a Community Prosecution Initiative (CPI) to deal proactively with crimes affecting local communities
- Finalising a Corporate Alternative Dispute Resolution (C-ADR) mechanism to strengthen the NPA’s ability to deal with corporate corruption and recover stolen monies, a critical aspect of accountability and justice
- Developing a proactive Organised Crime Strategy to deal with this growing form of criminality that threatens the social, economic and political wellbeing of South Africa
- Redesigning our approach to recruitment, retention and skills’ development relating to specialised investigators and prosecutors in fields such as organised and commercial crime. For the first time, the NPA will have a holistic strategy on promoting, nurturing and retaining specialist staff.

Given the high crime rates and increasingly complex and sophisticated nature of crime, the NPA is faced with the ongoing challenge of conducting high-quality investigations, successfully prosecuting criminals and recovering the ill-gotten proceeds of crime. The NPA does this against the headwinds of challenges within the broader criminal justice system, low public trust in law enforcement institutions and the increased use of delaying or 'Stalingrad' tactics by well-resourced accused persons, especially in corruption matters. However, we are ramping up our multi-faceted response to these 'Stalingrad' tactics, which includes training our prosecutors on how to effectively use the law to push back against unjustified delaying tactics by defence counsel, and by briefing – where necessary – external legal counsel to support prosecutors in high-profile matters.

We have built a solid foundation but rebuilding something so undermined by state capture is a continuous and painstaking process. It took almost 10 years of state capture and deliberate internal attacks against the criminal justice system to undermine it. It was always going to take more than five (COVID-affected) years to rebuild it.

The sharpest weapon in the NPA's anti-corruption arsenal is the Investigating Directorate (ID), which was established in 2019 to investigate and prosecute complex corruption and state capture-related matters. Despite initial resource and capacity constraints, and a weak founding legal framework, the ID has done remarkable work. As a growing unit with over 100 specialised staff, the ID has authorised 117 matters involving 212 accused persons and 68 entities. Of these, 78 are under investigation and 39 cases are enrolled.

And despite what some critics might say, a quick scan of these cases will refute any suggestion that the NPA is not prosecuting any 'big fish' of state capture. On the contrary, South Africa is one of the few countries in the world prosecuting many senior government officials (including ex-Ministers) and private sector actors (including top Chief Executive Officers) for complex corruption and related offences. We are not letting the corporate entities off the hook either, as evidenced by the prosecution of several C-companies and the innovative (and punitive) C-ADR processes in relation to others.

We worked tirelessly with the Department of Justice and Constitutional Development (DoJ&CD) to strengthen the legal framework and establish the Investigating Directorate Against Corruption (IDAC) as a permanent unit within the NPA. Legislation has now been passed that creates a permanent prosecution-led unit with criminal investigative powers to deal with complex corruption and related crimes. A well-capacitated IDAC and a private sector-supported, state-of-the-art digital forensic analysis capability will radically enhance the NPA's ability to combat complex forms of corruption. This is part of a broader Presidential Partnership Initiative to leverage the private and non-profit sectors in critical sectors of government, including in support of the NPA, without compromising the NPA's independence.

Prosecutorial independence is vital for the NPA to prosecute and hold accountable the political and private sector architects of corruption, without any interference, and thus reaffirm the rule of law. It is also critical to strengthen public trust and confidence in the prosecuting authority. We are working with the DoJ&CD to promote legislation that will entrench the NPA's financial and operational independence in law, giving effect to the President's response to the recommendations of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (hereafter 'Zondo Commission') and the Minister of Justice's commitments to Parliament in this regard.

Notwithstanding the excellent rebuilding efforts that have borne fruit – which really gained momentum post-COVID once the NPA's top leadership was in place in March 2021 and have often occurred away from the public eye – we understand that the public wants to see more and faster action against the corrupt, in particular those in positions of power. This passion for the rule of law and accountability is what makes South Africa so special. It is this passion that motivates every NPA employee. And it is this passion that must continue lighting South Africa's path towards becoming a mature and stable constitutional democracy.

It is not just the ID that is tackling complex corruption matters. In the past year, our Specialised Commercial Crimes Unit (SCCU), working together with the

## Foreword by the National Director of Public Prosecutions – continued

Directorate for Priority Crime Investigation (DPCI), achieved 333 convictions in serious and complex commercial crime cases from 372 verdict cases, a high conviction rate of 90%. The SCCU has enrolled four cases related to 16 recommendations from the Zondo Commission, including the 'Asbestos' and 'SA Express' matters. Several other matters will be ready for enrolment in the next few months. In the past five years, almost 700 government officials and over 1 000 private sector individuals have been convicted for corruption.

Through this work, and our important partnerships with law enforcement agencies, we have made notable progress in addressing the Financial Action Task Force (FATF) recommendations. This will help to ensure that South Africa can be taken off the FATF's grey list as soon as possible.

Although the focus is on corruption, this is not the only serious crime that the NPA is dealing with. Across the country, approximately 4 300 prosecutors finalised over 900 000 criminal matters\* annually, daily serving the people of South Africa in their quest for justice. Existing conditions in many of the courtrooms from which the NPA prosecutors operate are far from ideal, but this does not prevent them from carrying out their duties in service of the people of South Africa. We continue to engage with the DoJ&CD in this regard.

The NPA prosecutes hundreds of matters that affect the safety and wellbeing of communities daily. This has been aided by the Thuthuzela Care Centres (TCCs), which provide comprehensive services and support to victims of sexual violence. The TCC footprint has been extended from 55 in 2020/21 to 64 currently.

In the past three years, partnerships with business have been critical to the accelerated establishment of new TCC sites or the re-accommodation and refurbishment of existing sites. In 2021, the mandate of the TCCs was extended to include all forms of gender-based violence (GBV). A specific domestic violence protocol was adopted to ensure that complainants receive psychosocial, medico-legal

and court directed services. In the past year, 41 158 victims received pre-trial services. Partnering with the South African Police Service (SAPS), progress has also been made in clearing a backlog of 49 374 DNA reports between October 2020 and the end of May 2024. This has helped to expedite the prosecution of sexual offences cases and strategically target serial rapists identified through this project. In the past four years, the TCCs dealt with 61 serial rapists. Despite these important achievements, as well as a high conviction rate of 78% and increasingly long sentences being meted out in the courts on a daily basis, our country still requires a whole-of-society approach to address this scourge, ensure that the reporting rate amongst victims is improved and that a greater number of reported cases result in convictions.

Organised crime poses a grave threat to South Africa's democratic institutions, economy and people. While the NPA has achieved a remarkable 93.4% conviction rate in prosecuting organised crime cases, a lot more needs to be done to ensure that the kingpins of organised crime are held accountable. Amongst many forms of organised crime, essential infrastructure related offences impact negatively on our daily lives; the impact on the economy is debilitating, with far reaching consequences. The prosecution of these cases increased from 667 verdict cases in 2022/23 to 803 in 2023/24. However, prosecuting the foot-soldiers/runners (which keeps our already backlogged system busy) will not address the problem. Close cooperation with our partners in the criminal justice system is needed to proactively identify kingpins and, through intelligence-driven operations and following the money, strategically select and prioritise organised crime investigations and prosecutions for impact.

The Specialised Tax Unit (STU), working with the South African Revenue Service (SARS) and the DPCI, has achieved an exceptional conviction rate of 97% with lengthy periods of imprisonment imposed in some cases.

\* Criminal matters finalised include decision dockets which resulted in a decision not to prosecute (*Nolle Prosequi*), cases finalised through verdict, cases finalised through ADRM (informal mediation, diversions etc.), matters where admission of guilt was determined by the prosecutor and it was paid prior to enrolment, appeals finalised in the High courts, representations finalised as well as criminal/court matters finalised.

“Organised crime poses a grave threat to South Africa’s democratic institutions, economy and people. While the NPA has achieved a remarkable 93.4% conviction rate in prosecuting organised crime cases, a lot more needs to be done to ensure that the kingpins of organised crime are held accountable.”

Ensuring accountability and justice for apartheid-era atrocities is a top priority for the NPA. The families have been waiting for years to find closure and answers to what happened to their loved ones. The delay in dealing with matters emanating from the Truth and Reconciliation Commission (TRC) has exacerbated the challenges faced by the NPA in instituting prosecutions. However, significant progress has been made by 16 dedicated TRC prosecutors, working with a dedicated team of DPCI investigators, in guiding 159 investigations. Ten matters are currently in court, one of which includes charges of international crimes committed during the apartheid era. In *State v Madonsela*, the accused was sentenced to ten years’ direct imprisonment for a murder during which the deceased was shot dead by police on 2 February 1989.

The Missing Persons Task Team (MPTT) continues to do incredible work, in collaboration with the TRC Unit in the DoJ&CD, in tracing and returning the remains of victims to loved ones. This includes returning the remains of the tenth victim of the group known as the Mamelodi 10 to the families. Many symbolic reburials have been conducted for other victims. The graves of 44 of those who died in exile in Lusaka and Livingstone were identified and mapped for exhumation in 2024, while 23 graves were located in Zimbabwe.

Long custodial sentences have been handed down in many cases referred to in this report, exemplifying the serious crimes prosecutors deal with daily. Each of these successful prosecutions was the culmination of months and even years of painstaking investigative and prosecutorial work. These cases provide some justice and closure to the victims and their families and remove violent criminals from our

streets. However, much more needs to be done, together with our law enforcement partners, in strategising about how to address the unacceptably high crime rates in our country.

Accountability is not only about prosecutions; ensuring that crime does not pay removes the incentive for committing crime driven by greed and is an important aspect of accountability. In this regard, the Asset Forfeiture Unit (AFU) has been at the forefront of the NPA’s strategy to deal with corruption and the Zondo Commission findings. One of the reasons why conviction-based asset recovery cases are not being finalised is because they depend on a conviction – these are often delayed by complex investigations and, once enrolled, highly contested cases. To address this challenge, and in line with its ambitious Asset Recovery Strategy, the AFU has consciously decided to focus on Chapter 6 of the Prevention of Organised Crime Act, 121 of 1998 (POCA), where appropriate, which involves non-conviction-based recoveries. The AFU has entered into international partnerships to pursue assets dissipated across the border of South Africa, particularly in the context of corruption and organised crime.

The increasing innovative use of C-ADR has been reaping dividends. In January 2024, in collaboration with DPCI and the United States (US) Department of Justice, a further R2.2bn was recovered from the SAP resolution. Of this, R750m has been paid into the Criminal Asset Recovery Account (CARA). The AFU has restrained and preserved more than R14bn of state capture-related assets. To date, R6.12bn has been confiscated or forfeited and R6.26bn has been recovered, including from the landmark Asea Brown Boveri (ABB) case.

## Foreword by the National Director of Public Prosecutions – *continued*

Success in the NPA's core business of prosecuting crimes requires professional strategic and operational support. Our new Strategy, Operations and Compliance (SOC) Division has stepped up to this task to ensure that the NPA is well run, properly resourced, strategically aligned and has the appropriate monitoring and compliance policies and systems in place. Budget advocacy has been a key priority for the NPA over the past five years and is critical to its rebuilding efforts. The inability to recruit staff in prior years seriously eroded the effectiveness and morale of the NPA. However, attracting and recruiting over 1 000 young, passionate graduates through the Aspirant Prosecutor Programme (APP) has been a highlight of the past five years. These aspirant prosecutors are making a significant difference in the courts.

This annual report reflects the highlights of the collective efforts of our dedicated prosecutors, legal professionals and support staff – working together with partners in government, civil society and the business sector – to build an effective, accountable and inclusive institution. The dedication of the NPA leadership and the staff to serving the people of South Africa – often under difficult and challenging circumstances – is acknowledged with my deepest gratitude. I have also been humbled and encouraged by the tremendous goodwill and support that organised business, the country's development partners and civil society have shown for building a fit-for-purpose NPA.

I wish to acknowledge and appreciate the support of the honourable former Minister of Justice and Correctional Services, Mr R Lamola, and the Deputy Minister of Justice and Constitutional Development, Mr J Jeffery, both of whom understand and respect

the independent constitutional mandate of the NPA. The support of the Director-General of Justice and Constitutional Development, as the Accounting Officer of the NPA, is also acknowledged.

I would also like to welcome the newly appointed Minister of Justice and Constitutional Development, Ms T Simelane, and Deputy Minister of Justice and Constitutional Development, Mr A Nel. I wish them well in their new portfolios and particularly in their endeavours to uphold and protect the Constitution and the rule of law to ensure that all South Africans live in a safer and more secure South Africa.

The NPA's vision is 'Justice in our society so that people can live in freedom and security'. As NDPP, I am acutely aware of the legitimate expectations of all South Africans to see justice being delivered effectively, fairly and swiftly. It is with this awareness that we renew our pledge to serve with integrity, fairness, humility and a relentless pursuit of justice. Rebuilding the NPA is an ongoing and complex process. But after five years of steady progress, we have a solid basis from which to continue our collective efforts to build an NPA that all South Africans can be proud of.



**Adv. S Batohi**  
National Director of Public Prosecutions

31 August 2024



# STRATEGIC INITIATIVES



# STRATEGIC INITIATIVES

The NPA's 2020–2025 Strategic Plan was designed to ensure the long-term stability of the organisation, improve public confidence and perceptions in the NPA, instil a culture of integrity and high performance through impactful prosecutions, and strengthen the rule of law in South Africa. To steer the implementation of the Strategic Plan, the NPA launched complementary strategic initiatives overseen by the NPA's Executive Committee (ExCo) and Management Committee (ManCo).

Notable achievements and highlights from the strategic initiatives are outlined below.

## PROGRESS TOWARDS IMPROVED INDEPENDENCE OF THE NPA

Operational and financial independence reinforces the rule of law and is crucial for bolstering public trust and confidence in the NPA. It is also an important obligation under various international and regional treaty requirements and key judgements by South Africa's Constitutional Court. It's an imperative that the NPA has been championing for many years.

The need for enhanced operational and financial independence of the NPA was reinforced during a meeting of the Portfolio Committee on Justice and Correctional Services in November 2023, when the Committee Chair requested the Minister of Justice and Correctional Services (hereafter 'the Minister') to provide timelines to complete the review of the National Prosecuting Authority Act, 32 of 1998 (NPA Act) to address aspects of the NPA's operational and financial independence.

The NPA is working with the DoJ&CD to promote legislation that will entrench the NPA's operational and financial independence. The NPA has undertaken several investigations and research projects to guide the necessary legislative reforms for its enhanced independence. Building on this research, the NPA will establish an internal task team to guide the policy and practical changes required to give full effect to the pending legislative amendment. This will also give effect to the President's response to the Zondo Commission's recommendations.

## OFFICE FOR ETHICS AND ACCOUNTABILITY

The NPA Act provides for an internal NPA complaints mechanism. Drawing on international good practices on public sector accountability, the NPA worked with the DoJ&CD to establish such a mechanism. This has been an ongoing priority for the NPA for many years.

In late 2023, the Minister promulgated Regulations to establish the OEA. The OEA is a business unit in the Office of the NDPP and will be headed by a Special Director of Public Prosecutions (SDPP).

The OEA's mandate is to:

- Develop, promote and maintain an inherent culture of ethics, integrity, accountability, compliance and good governance in the prosecuting authority
- Promote and maintain a high standard of professional ethics
- Implement and manage a complaints procedure in the prosecuting authority that enables any person to report any complaint
- Maintain a complaints procedure based on and intended to be guided by the principles of promptness, fairness, consistency and uniformity
- Promote efficient service delivery in the prosecuting authority.

## COMMUNICATING FOR IMPACT

Effective communication and transparency are important for ensuring the NPA is accountable and credible. The NPA has enhanced its public profile through professional, timely and accurate communication on key issues. Press statements and social media updates, as well as regular media briefings and opinion pieces by the NPA's leadership, inform the public of progress on high-profile corruption cases, the outcomes of significant prosecutions and important institutional developments at the NPA.

NPA staff also participate in high-profile public events and speak to targeted groups such as business leaders, investors, international partners, community-based organisations and community policing fora to raise awareness of the NPA's services and activities. This helps deliver on a key NPA outcome: enhancing investor confidence in South Africa.

## ELECTRONIC CASE MANAGEMENT SYSTEM

An Electronic Case Management System (ECMS) enhances efficiency by automating routine tasks, ensures accuracy and maintains data integrity. It also fosters better collaboration through real-time information sharing and secure access control. The ECMS provides comprehensive case management with centralised records, making information retrieval and case progress monitoring more efficient.



Over

3 000

**prosecutors have been trained on how to use the ECMS**

To ensure the availability of reliable data from the ECMS, enhanced security and business continuity for the Magistrates' Courts, ECMS was migrated to a cloud service (a form of internet-based computing that provides shared resources and data to computers and other devices on demand).

## ENHANCING NPA CAPACITY

The NPA's best asset is its staff, who must be well trained, specialised and professional. Over the past five years, the NPA has significantly increased its staff complement. However, it experienced negative personnel growth during the last financial year due to limits on the allocated compensation budget. At the end of March 2024, the NPA had 168 fewer employees compared to the previous year.



**In 2023/24, 357 staff were added through recruitment processes. Of these, 124 were recruited from outside the organisation for permanent positions, 27 were brought in on fixed-term contracts and 206 were internal promotions and transfers. The APP added 183 aspirant prosecutors to the NPA's permanent establishment.**

The following initiatives were undertaken to enhance staff capacity:

### Capability review and capacity enhancement initiative

In 2023, the NPA undertook a comprehensive review of the prosecution and related skills and capabilities of staff within the five specialised units that deal with corruption, commercial crime, organised crime, asset recoveries and related prosecutions – the AFU, ID, Organised Crime Component (OCC), SCCU and STU. This review is a crucial component of the NPA's broader initiative to refine its recruitment, retention and professional development strategies, aiming to foster a cohesive approach towards enhancing and preserving specialised talent.

The findings of this review highlighted that the NPA has a solid foundation of seasoned prosecutors capable of handling most of the serious cases. Nevertheless, it also underscored an urgent need to augment existing capabilities, particularly in response to the evolving digital landscape of crime and the growing complexity of corruption-related offences.

## Strategic initiatives – continued

During 2023/24, Human Resources Management and Development (HRM&D), in collaboration with the Institute for Security Studies (ISS), engaged staff from the specialised units to formulate a series of practical recommendations. These recommendations include creating a robust framework for nurturing specialisation, enhancing capacity through targeted on-the-job training methods such as mentoring and coaching, and delivering training programmes tailored to those employees who demonstrate both a need for and an aptitude toward these advanced skills.

### Training and development interventions

Training and development remained a key priority for the NPA. In the last financial year, 3 526 employees (an increase of 191 from the previous period) benefited from attending 141 training programmes.

### COMMUNITY PROSECUTION INITIATIVE

Since late 2020, the NPA has implemented the CPI to address and prevent crime in specific geographic areas across South Africa. Through this initiative, prosecutors are building partnerships with communities, civil society organisations and government agencies to devise strategies and solutions aimed at preventing and tackling specific forms of criminality and disorder.

Community prosecutors are an asset to the NPA as well as local communities. For example, they can inform the strategic prosecution of habitual offenders, gang leaders and crime kingpins who have been identified by communities as being drivers of crime, violence and disorder. They can also provide regular progress reports on cases that are significant to the community and gather community impact statements to be used in court.

As of April 2024, 48 community prosecution sites have been established, each focusing on critical crime and public safety issues such as GBV, stock theft, cable theft, crimes against essential infrastructure and criminality linked to alcohol and drugs.

### CORPORATE ALTERNATIVE DISPUTE RESOLUTION POLICY

During the year under review, the NPA adopted a C-ADR Policy. The policy's development was based on international good practice, as well as the insight that it may be in the interests of justice to resolve matters involving certain corporations accused of serious corruption and related offences through avenues other than criminal prosecution. C-ADR is an important tool in the NPA's wider toolbox to extract accountability through punitive reparations, enhanced cooperation in criminal matters, and recovering stolen money swiftly to support broader law enforcement efforts.

C-ADR is generally understood as electing to dispose of a suitable and applicable criminal case against a company other than through normal criminal court proceedings. Criminal cases are diverted away from the formal criminal justice system at the pre-trial stage, with a view to disposing the case against the company while still being able to proceed with prosecutions and asset forfeitures against the company's directors, employees or agents.

The use of ADR mechanisms in respect of companies enables the NPA to effectively address multi-jurisdictional offences committed by multinational companies, obtain the disgorgement of the proceeds of unlawful activities, as well as compensation to victims in appropriate cases, and in turn meet the country's international obligations to combat corruption and other economic offences.

Additional advantages include enhancing corporate accountability within South Africa's corporate sector and advancing a culture of compliance with laws and regulations within a company. To be considered for C-ADR, companies typically must pay back a significant amount of money, improve their anti-corruption policies and prevention methods, collaborate with law enforcement authorities and take disciplinary action against individual wrongdoers.

Using the C-ADR policy, the ID finalised a wide-ranging settlement agreement with ABB to pay over R2.5bn in punitive reparations related to serious crimes committed at Eskom during the state capture period. The NPA also concluded a resolution with

SAP to ensure that more than R2bn is returned to South Africa for the criminal roles played by SAP's former directors and the employees of its South African subsidiary. SAP provided the NPA with information to pursue investigations and possible prosecution of implicated individuals.

## GETTING ORGANISED IN RESPONSE TO ORGANISED CRIME

Increasingly sophisticated and pernicious forms of organised crime pose a significant challenge to South Africa, threatening the country's democratic institutions, its economic wellbeing and its people. Organised criminal groups are behind numerous seemingly disparate criminal incidents occurring daily in South Africa. Its victims can be found across the social and economic spectrum, but disproportionately affect the poor.

South Africa's law enforcement agencies are faced with an enormous caseload burden, coupled with personnel and resource constraints. Random prosecutions, even if significant in number, have little impact on the wider ecosystem of organised crime. During the year under review, the NPA developed a comprehensive Organised Crime Strategy that reflects its commitment to dealing with rising levels of organised crime. The NPA will disrupt and reduce organised crime through a multi-stakeholder approach, collaborating closely with key partners, including the SAPS, DPCI and SARS.

Internally, the NPA is enhancing its capacity and skills to deal with existing and evolving forms of organised crime. The NPA is also developing an in-house analysis capacity to better understand – and target – organised crime kingpins and the drivers behind organised crime syndicates.

## PRIORITISING CRIMES THAT CAUSE THE MOST HARM

One of the NPA's strategic priorities is the development and adoption of a Prioritisation Policy in relation to crimes affecting the day-to-day security of all South Africans. The objective is to prosecute more strategically, targeting repeat offenders, crime syndicate leaders and their assets, and crimes that disproportionately undermine public safety.

To this end, the NPA initiated a prioritisation pilot in its Durban Cluster under the motto 'Ikhaya Lethu' (Our Homes), with a focus on the crime of housebreaking. Housebreaking was chosen based on several key insights:

- Residential housebreaking is a crime that typically tops the list of perceived prevalence and fear. This directly impacts the NPA's aspiration of ensuring that 'all people in South Africa are and feel safe'.
- According to Statistics South Africa's latest Victims of Crime Survey, housebreaking was the most common household-level crime in 2022/23, with 1.56m incidents affecting 1.1m households. Nationally, 5.7% of all households – or one in 18 households – were burgled in 2022/23.
- There is a strong link between housebreaking and other types of serious crime such as house robberies, and housebreaking is often committed by syndicates as a form of organised crime.

The Durban pilot seeks to disrupt organised criminal activities more effectively by enhancing prosecution-guided investigations and prosecutor-investigator collaboration. It also seeks to prosecute more strategically and efficiently by identifying linkages between similar offences and offenders and by allocating appropriately skilled NPA and SAPS human resources to the investigation and prosecution of housebreakers. The aim is to expand the pilot across other provinces in the coming years.

It is anticipated that the Durban pilot will, *inter alia*, bring about the following benefits:

- Decreased withdrawals of housebreaking matters
- Increased conviction rates for housebreaking prosecutions
- Increased number of cases enrolled and finalised
- Improved quality of investigations and evidence-gathering
- Disruption of housebreaking syndicates
- Effective sentencing to incapacitate serious offenders.

## Strategic initiatives – continued



### LEGISLATIVE DEVELOPMENTS AND RELEVANT COURT CASES

#### Investigators in the ID get peace officer powers

The Minister published Government Notice No. 4115 in Government Gazette 49772 on 27 November 2023 announcing that investigators in the ID have been declared peace officers.

This Government Notice amended a provision in the previous Government Notice that required a firearm competency certificate to be declared a peace officer. The requisite certificates of competency have been obtained from the National Commissioner of Police. This is a crucial development as it enhances the effectiveness of the ID's investigation of serious corruption or state capture related crime, strengthens its operational efficiency and streamlines its core functions.

#### National Prosecuting Authority Amendment Act, 10 of 2024

The NPA Amendment (NPAA) Act was signed into law by the President of South Africa on 24 May 2024.

The NPAA Act amends the NPA Act to provide for the establishment of a permanent IDAC with full investigative powers, separate determination of conditions of service for investigators, a mechanism to deal with complaints against IDAC personnel and

the establishment of additional IDs.

IDAC has the mandate to carry out investigations and the prosecution of serious, high-profile or complex corruption, commercial or financial crime cases, such as those arising from the recommendations of commissions of inquiry.

The IDAC will be a critical component of South Africa's anti-corruption architecture and is necessary to effectively combat state capture corruption. Its independence is vital. For the IDAC to be effective, it must be able to attract and retain the necessary skills, expertise and experience to deliver on its mandate.

The IDAC has developed a comprehensive plan to give effect to the NPAA Act, which includes the structure and operating model, recruitment, retention of staff, financial management, security management, Information and Communications Technology (ICT), communications and operations management.

#### Regulations on the establishment of an Office for Ethics and Accountability

The Minister issued regulations establishing the OEA in the DoJ&CD's Notice No. R. 4109 published in Government Gazette 49759 on 24 November 2023.

The OEA is a structure in the Office of the NDPP as contemplated in section 22(5) of the NPA Act and is a critical step in building an ethical NPA that holds its staff accountable for wrongdoing.

The Integrity Management Unit (IMU) is to be absorbed into the OEA, but the OEA's scope is much wider:

- The OEA will be headed by a SDPP
- The investigation of complaints is significantly enhanced by its Complaints Division being headed by a Deputy Director of Public Prosecutions (DDPP) and assisted, *inter alia*, by prosecutors
- The OEA will play a more proactive role in developing, promoting and maintaining ethics, integrity, accountability, compliance and good governance in the NPA
- The OEA Regulations apply to and bind all members of the NPA. However, insofar as the investigation of complaints is concerned, the OEA regulations will not apply to any member of an ID or the IDAC, as set out in the discussion of the NPAA Act.



## Maughan and Another v Zuma 2023 and President of the Republic of South Africa v Zuma and Others

Private prosecutions were instituted by an accused, Jacob Gedleyihlekisa Zuma, while his related fraud and corruption trial is pending.

Frontal challenges<sup>1</sup> were brought by William John Downer SC, the accused persons summonsed in the private prosecutions and the prosecutor in the pending corruption charge. The frontal challenges were upheld, and the private prosecutions were accordingly set aside.

The combined tenor of both judgments is that there is no absolute rule against a frontal challenge being lodged against a criminal prosecution. In general, a frontal challenge should be discouraged and pertinent issues left to the trial court. However, a frontal challenge should be allowed where a litigant wishes to challenge a clearly unlawful criminal process to enforce his or her fundamental rights. When determining whether a frontal challenge should be allowed or not, the interests of justice are paramount.

The Courts affirmed that a public prosecution that was brought for an 'ulterior' or 'improper' purpose (that is, for reasons other than bringing the accused person to justice), constituted a breach of the principle of legality and amounted to an 'abuse of process'.

A court may have regard to whether there are reasonable prospects of a successful prosecution in determining whether there has been an abuse of process in instituting the prosecution. It was held that a prosecution that was unsustainable also constituted an abuse of process of the court.

In respect of the private prosecution instituted against Downer, the Court held that, as was apparent from the unsustainability of the charges and the previous meritless challenges relating to Zuma's criminal prosecution stretching over a 20-year period, the private prosecution was instituted with ulterior motives, that of preventing Downer from prosecuting the matter and forming part of wider 'Stalingrad' tactics to delay his prosecution.

In a related case, which involved a frontal challenge being lodged against the private prosecution instituted by Zuma against the President of the Republic of South Africa, the Court held that a prosecution is an abuse of process where the objective of obtaining justice is absent but the prosecutor is enabled to harass the accused or fraudulently defeat his or her rights.

The Court found that it was clear that the frontal challenge was brought to enforce the individual rights of the accused person not to be subjected to a clearly unlawful private prosecution process, thus protecting and vindicating the rule of law. The prosecution was instituted for an ulterior purpose, in what amounted to an abuse of the court's process, and was set aside.

The private prosecution of the President also failed because the nolle prosequi certificates did not pertain to the President and neither was the President mentioned or considered as a suspect in the case docket that the Director of Public Prosecutions (DPP) declined to prosecute.

<sup>1</sup> 'Frontal challenge' is a term used by our courts to describe preliminary litigation, or pre-trial challenges or applications (interlocutory applications), challenging aspects related to criminal investigations and/or the institution of criminal proceedings or criminal trials.

## Strategic initiatives – continued

### Mapisa-Nqakula v The National Director of Public Prosecutions and Others

In this matter being handled by the ID, the suspect was to be arraigned on corruption charges involving more than R4.5m.

On 22 March 2024, the suspect filed an urgent application to interdict the State from arresting her while the State was engaging with her to hand herself over at the police station for processing in preparation for the enrolment of the criminal case. The State also indicated to the suspect that it did not intend opposing bail. The suspect was told that an arrest without a warrant would be carried out if she failed to present herself to the police.

The suspect's application was predicated on the assertion that her arrest would be unlawful, harm her dignity and undermine her standing in society and under the Constitution as the Speaker of Parliament. It was also stated that the case against her was weak and 'riddled with irregularities which could never justify the infringement and imperilment of the applicant's constitutional rights; let alone the applicant's position as the Speaker of the Parliament.'

The Court found that no facts were set out as to why an arrest would be unlawful. The claim that the State had a weak case was based on speculation given that the suspect did not have access to the case docket. The Court held that it could make no finding based on speculation and accordingly that it could make no finding on whether an arrest would be unlawful.

The Court held that it was not within the power of the Court to instruct the relevant authorities to employ less invasive or milder means of securing the suspect's attendance at court.

First, there were no grounds set out as to why the suspect had to be issued with a summons instead of being arrested. The Court noted that the State was prepared to arrange that the suspect's legal representative could take her to



the police station and then to court. The Court found that this was already a courtesy extended to her and an exception to what ordinary citizens are afforded.

Second, the Court observed that if it were to grant an order interdicting an arrest, the floodgates would be opened and every suspect could approach a court on this basis, merely setting out in a founding affidavit that the arrest in future would be unlawful. The Court found that this would result in the whole criminal justice system failing and being controlled by suspects.

The Court rejected the argument that it could exercise judicial oversight to interdict an arrest stating that there was no authority for this contention. In the cited case, which involved a private prosecution, the issue arose as to the lawfulness of a summons to appear in court, with a plethora of grounds regarding its validity being raised. However, in the present case, no arrest had been made and no unlawfulness on its own had been explained to the Court, except for pure speculation.

As this case was not a private prosecution, a higher threshold existed when seeking relief in the form of an interdict against a statutory authority performing a function within its domain.

In seeking the interdict against her arrest, the applicant relied on the fact that she had a right to legal representation of her choice. The suspect's legal representative was only available on 3 April 2024. However, the legal representative had already been apprised by the State that the delay in processing the suspect was out of courtesy and that this was neither a negotiation nor open-ended. The Court found that the State was clearly aware of the suspect's rights and had afforded her ample time to report to the police station with a legal representative.



The Court also pointed out that the right to legal representation in a criminal case was a right for an accused, arrested or detained person, which the applicant was not. However, the Court recognised that the suspect's rights had to be explained to her at the time of arrest and these 'informational duties' entitled the suspect to legal representation. Nevertheless, the Court ruled that this did not include the legal representative dictating to a police official when they may fulfil their duties. The Court reiterated that it could not interdict to prevent statutory authorities from complying with their statutory duties.

The Court could not find that urgency had been established and struck the application against the arrest from the roll, with costs.

After the Court gave its judgment on 2 April 2024, the suspect presented herself to the police station concerned on 4 April 2024 and made her first appearance in court on the same date. Her bail application, which was not opposed by the State, was granted for R50 000. The case was remanded to 4 June 2024 for the State to add another accused.

## The State v Mdluli and Others



The accused were arraigned on various counts of corruption, contravention of POCA and fraud, stemming from the time they were employed in the SAPS.

A delay in the criminal proceedings was caused by Mdluli seeking a judicial review of the SAPS' decision not to fund his legal fees. Mdluli did not want to proceed with his trial until the review application was finalised, notwithstanding the undertaking by the State Attorney that the SAPS would refund the accused in full for all reasonable expenses should he succeed on review.

The State lodged an application for an order, in terms of section 342A of the Criminal Procedure Act, 51 of 1977 (CPA), to prevent any further unreasonable delays as the matter could be stalled for a considerable period if the parties had to wait for the review application to be finalised, with the further possibility of an appeal if unsuccessful.

The Court found that the delay was not in the interests of any party and would also have the effect of prejudicing Mdluli. The quality of evidence could be compromised, and witnesses could die, considering their ages.

The Court found that the failure of Mdluli to timeously finalise the review application caused an unreasonable delay to the criminal proceedings and refused to grant a further postponement. The parties were ordered to set the trial date and for the trial to commence irrespective of the review application being finalised or not by such time.

The accused were ordered to finalise all interlocutory applications that they intended to bring before the date set for the trial to commence.

## Strategic initiatives – continued

### Lethena and OtherState v Minister of Police and Another

This was an action for damages based on the alleged wrongful arrest and detention of the plaintiffs and their alleged malicious, alternatively negligent, prosecution for unlawful possession of firearms.

#### The lawfulness of the arrest

The plaintiffs contended that if a court has the discretion to impose a fine, then the offence was excluded from Schedule 1 of the CPA and an arrest without a warrant was impermissible.

The Court rejected this argument, holding that such interpretation would detract from the legislature's intention to include the most serious of offences in respect of which an arrest without a warrant would be competent. The Court found that the emphasis should not be on the fact that the sentencing court is empowered to impose imprisonment or a fine, but rather that the sentencing court 'may' impose imprisonment (of more than six months) without the option of a fine.

The second issue was whether a lawful arrest could be made based on a confession by a co-accused. The Court ruled that there was nothing in our law that prohibits the arrest of one accomplice based on the confession (lawful or not) of another accomplice.

The Court was of the view that it was not bound by an earlier judgment by a full bench of the Court as there was no reason for the judgement and it was perceived as an incorrect finding.

The Court observed that if an arrest in these circumstances was impermissible, the administration of justice may well be compromised, in that members of the police services may be prevented from arresting accomplices implicated in confessions by other accomplices without a warrant.



The Court noted that the purpose of an arrest is, *inter alia*, to allow for further investigations. If nothing more is uncovered, leaving only the confession of the accomplice, the further detention of the arrested person may well be unlawful. Arresting a suspected accomplice on the strength of a confession by another cannot be equated with using that confession 'as evidence' against that suspected accomplice.

#### Less invasive means of procuring the attendance of an accused at court

The Court found that there is no rule of law that demands the use of a milder means of securing attendance at court, and that courts have no right to impose further conditions than what the legislation has imposed. Once the jurisdictional requirements have been met and it is shown that the discretion to arrest was exercised rationally, the arrest will be lawful.

#### Malicious or negligent prosecution and the duties of a prosecutor in enrolling a criminal case restated

The Court accepted that the information contained in the case docket showed reasonable and probable cause for instituting the prosecution and that there was no malicious or negligent prosecution.

The Court found that there was no duty on the prosecutors to establish if there was a defence and, even if they were informed of the defence, they were not enjoined to decide who was or was not telling the truth.

On these premises, the Court ruled that the prosecution had to continue.

The Court pointed out that it is not incumbent on prosecutors to determine or establish if an arrest was lawful at the time of enrolment. When deciding whether to enrol a criminal case, the prosecutor should consider whether there was

evidence of a crime having been committed and whether the accused was/were linked to it.

The Court ruled that the enrolment of the criminal case could not be faulted. The Court also ruled that the plaintiff's arrest, detention and prosecution were not unlawful.

### The impact of a retraction or recantation by a single witness of earlier incriminatory evidence on the lawfulness of a prosecution proceeding

At a bail application, a single witness in this matter recanted her previous statements implicating the plaintiffs. This witness was not called by the prosecution at trial, and the plaintiffs were discharged in terms of section 174 of the CPA.

The plaintiffs contended that after the witness recanted her previous statements, the State had no case and should have withdrawn the matter. The State conceded that the prosecution would have been expected to seriously reconsider its position on whether the prosecution could proceed. The enrolment prosecutor explained that the witness could have been confronted with her contradictory statements, declared a hostile witness and the court urged to convict on the strength of her initial statements.

The fact that the trial prosecutor did not call the witness in question did not make the plaintiffs' case stronger. The Court noted that if the witness had been declared hostile, the prosecution would have been able to cross-examine her, during which the reason for her recanting would have come under scrutiny.

The Court was unable to find that a conviction would have been impossible, and thus could not find that it was unlawful to proceed with the prosecution. The Court ruled that the plaintiffs' action had to fail and ordered that the plaintiffs' claims be dismissed with costs.

## STAKEHOLDER ENGAGEMENTS AND STRATEGIC COMMUNICATIONS

Recognising that the NPA cannot prosecute itself out of the crime crisis facing South Africa, and to ensure that a whole-of-society approach is embraced when tackling corruption, injustice and crime, the NDPP prioritised a series of stakeholder engagements throughout the year.

Key amongst these was hosting the annual civil society roundtable in August 2023 to provide feedback on progress made in fighting state capture and other forms of complex corruption. These frank engagements have been critical to enhancing public confidence in the NPA and its work, while also sharing with key stakeholders the challenges that the NPA faces in giving effect to its strategic objectives. They allow the NPA to communicate many of its achievements which, by virtue of being good news, are not often covered by the media.

The NDPP participated in several events that highlighted the importance of strengthening the fight against gender-based violence and femicide (GBVF), as well as empowering women and girls in our society. In April 2023, the NDPP participated in the Ceremonial Sitting at the Pretoria High Court to mark 100 years of women entering the legal profession. The NDPP also attended the Public Service Women in Management Week conference, NPA Women's Day events in Kimberley, was the keynote speaker at the Africa Legal Aid's Symposium on Preventing GBV in Southern Africa and delivered an address at the Annual General Meeting of the South African Chapter of the International Association of Women Judges. While the NDPP reaffirmed the important work being carried out by the criminal justice system in combatting crimes against women and girls, she also called for the adoption of proactive interventions to address the gender norms and social and cultural practices that enable women's subordination and suppression.

## Strategic initiatives – continued

In February 2024, the NDPP delivered a message of support to the Summit on Ethical Leadership in Local Government. In March 2024, she participated in a workshop, organised by the ISS, to enhance the selection process for the leadership of key law enforcement agencies – such as the NPA, SAPS and Independent Police Investigative Directorate (IPID) – to ensure the appointment of fit and proper persons with the necessary integrity and competencies. These engagements were driven by the NDPP's commitment to building an NPA that is infused with the values of Independence, Professionalism, Accountability and Credibility (IPAC).

Throughout the year, the NDPP communicated important information to the organisation through NDPP Briefs. Organisation-wide communication was disseminated immediately following each ExCo and ManCo meeting to keep staff informed of key decisions taken and updates on matters of organisational importance.

The NDPP also undertook regional visits to the North West, Limpopo, Free State, Northern Cape and KwaZulu-Natal (KZN) provinces, which allowed her to interact with staff and get a first-hand understanding of their accomplishments and challenges. These visits, which were appreciated by staff, allowed the NDPP to recognise staff achievements across the regions, contribute towards enhancing staff morale and emphasise the centrality of the IPAC values to future proofing the NPA.

### ENGAGEMENTS WITH INTERNATIONAL ORGANISATIONS

In April 2023, the NDPP attended a workshop with the Basel Institute on Governance, an independent, non-profit organisation dedicated to preventing and combating corruption and other financial crimes globally. The workshop focussed on enhancing asset recovery in cases involving organised crime, and the collaboration has served to sharpen the NPA's interventions to remove ill-obtained gains from criminals.

In June 2023, the NDPP attended the annual Heads of Prosecuting Agencies Conference in Montreal, Canada. This conference provides a platform for engagement between the heads of prosecuting agencies of selected common law and related

jurisdictions. Under the theme of 'Best Practices in dealing with sexual and domestic assault', the NDPP shared South Africa's ground-breaking interventions, including the establishment of TCCs across the country to support victims of sexual and domestic violence and enhance the possibilities of successful prosecutions in these matters.

In July 2023 and January 2024, the NDPP attended the Chandler Sessions on Integrity and Corruption at the Blavatnik School of Government at the University of Oxford. The Chandler Sessions convene a consistent group of senior leaders from anti-corruption institutions together with a small group of academics and expert journalists in regular meetings. Those attending the Sessions work collaboratively, share experiences, debate the effectiveness of policy responses and develop a new set of strategies for strengthening integrity in government institutions and dislodging entrenched corruption. Participation in these Sessions enabled the NDPP to share South Africa's efforts in rebuilding a fit-for-purpose NPA in the aftermath of state capture. It also allowed her to benefit from exposure to different and innovative practices in building anti-corruption institutions.

The NDPP supported regional activities to fight corruption and strengthen collaboration between prosecution services in African countries. In particular, the NDPP attended the 6th Annual General Meeting of the Association of Anti-Corruption Authorities of Africa in July 2023, as well as meetings of the Southern Africa Heads of Prosecution Services Forum and the Africa Prosecutors Association. In November 2023, the NDPP delivered a keynote address at the Malawi Anti-Corruption Symposium attended by heads of anti-corruption agencies in the Southern Africa Development Community region to mark the 25th anniversary of Malawi's Anti-Corruption Bureau. In her speech, the NDPP called for the adoption of new strategies to restore and protect the integrity of democracies from the constant danger of corruption. These engagements strengthened the resolve of countries in the region to work together more smartly and efficiently, and to stay ahead of changing crime trends that transcend physical boundaries and negatively impact the continent.



## INTERNATIONAL COOPERATION IN CRIMINAL MATTERS AND TREATY OBLIGATIONS

While incoming requests for international cooperation are channelled through the Office of the Director-General of the DoJ&CD, implementation and execution rests largely with competent authorities, including the NPA. The NPA also plays a critical role in issuing and managing outgoing requests.

South Africa has ratified the Organisation for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; it became the 37th country to join the Working Group on Bribery (WGB) on 19 July 2007. As part of a Task Team co-chaired by the DPCI and SCCU, the NPA was involved in coordinating the implementation of the WGB's additional Phase 3 recommendations, which include the investigation and prosecution of foreign bribery cases. The work was concluded in December 2023. The Task Team reports on its work to the National Priority Crime Operational Committee (NPCOC) meetings. The Task Team started preparing for South Africa's Phase 4 assessment during 2023/24.

The NPA plays a role in the implementation of the United Nations Convention Against Corruption (UNCAC) by providing inputs to the country reports and participating in the United Nations' (UN) assessment processes. The NPA participated in the 10th session of the UNCAC Conference (Conference of State Parties) held in Atlanta in the US from 11 to 15 December 2023.

Along with the coordinating national department, the Department of Public Service and Administration (DPSA), and other role-players, the NPA continues to actively participate in the G20 and Brazil, Russia, India, China and South Africa (BRICS) Anti-Corruption Working Groups, as well as the Working Group on International Cooperation of the United Nations Office on Drugs and Crime (UNODC), which support the implementation of UNCAC.

South Africa assumed Chairmanship of BRICS in January 2023 and hosted the Johannesburg Summit in August 2023. In line with South Africa's Chairmanship, the NPA hosted the 5th Meeting of the Heads of Prosecution Services of the BRICS' countries in November 2023 (on a virtual platform).

The enactment of the Cybercrimes Act, 19 of 2020, has created new obligations for the NPA regarding the provision of legal assistance to foreign states, as well as processes for seeking assistance regarding the preservation of traffic data from other states. Although Chapter 5 of the Act has not yet been operationalised, the NPA continues to work actively with key stakeholders to ensure that the necessary standard operating procedures, directives and other prerequisites provided for are in place for the efficient implementation of the Act.

In 2023/24 a total of 73 incoming and outgoing Mutual Legal Assistance (MLA) and extradition requests were finalised. The NPA received and processed 109 new requests for MLA, including seven enquiries. There were 68 incoming requests from foreign states, while 34 requests were issued and transmitted to foreign states. The NPA processed 31 new requests for extradition, 19 of which were issued by South Africa and 12 by foreign states.

## Strategic initiatives – continued

### AMPLIFYING THE NPA'S VOICE IN THE BROADER CRIMINAL JUSTICE SYSTEM

To enhance the effectiveness of the NPA within the criminal justice system, the NDPP participated in multiple discussions with the National Anti-Corruption Advisory Council to explore South Africa's envisioned anti-corruption architecture.

The NDPP also participated in the National Efficiency Enhancement Committee (NEEC), chaired by the Chief Justice, to explore ways in which court matters can progress through our courts in a more efficient way.

In November 2023, the NDPP, together with Professor Christopher Stone, published a paper arising from the Chandler Sessions entitled *The World's Anti-Corruption Efforts Need a Reset*.<sup>2</sup>

In this paper, the authors recognise that while accountability for high-level corruption is essential to stopping it, societies cannot simply prosecute their way out of corruption. Instead, the authors insist that a new strategy for eliminating high-level corruption is needed. They argue for a focus on individual departments, combining external accountability with internal reform, institution by institution. They explain that law enforcement institutions must be strongly independent to enable effective collaboration with partners of integrity. Among other recommendations, they urge anti-corruption institutions to engage the public – community groups, civil society organisations and business – to actively participate in these turnarounds.

The paper emphasises the need for a whole-of-society approach to eliminate high-level corruption in South Africa and elsewhere and promotes adherence

to the highest standards of ethical conduct. The message of the paper reflects the approach that the NPA has adopted in tackling crime and corruption in South Africa – one that requires a holistic approach, based on partnerships, for success.

Following the publication of the paper, the NDPP and Professor Stone are participating in a series of webinars hosted by the International Association of Prosecutors to discuss the paper and its implications with key stakeholders across the globe.

### Driving public-private partnerships under the Presidential Partnership Initiative

In pursuing innovative ways to build partnerships with private and non-profit sectors, the NPA participates in a Presidential Partnership Initiative established in June 2023 to partner with organised business around three priority interventions – logistics/transport, energy and crime and corruption – to enhance economic growth and job creation. The NPA is actively involved in the crime and corruption workstream. It has secured the establishment of a digital evidence analysis capability that will radically enhance its ability to combat complex forms of corruption, even more so now that the IDAC has been formally established with investigative powers.

Through a Memorandum of Understanding (MoU) with Business Against Crime South Africa (BACSA), the NPA continues to pursue cooperation with private sector partners, without compromising its independence, to secure specialised skills required to pursue complex matters.

The Sexual Offences and Community Affairs (SOCA) Unit within the NPA has also developed strong partnerships with the private sector and other actors to support the work undertaken through the TCCs.

<sup>2</sup> The paper can be accessed at: <https://www.bsg.ox.ac.uk/research/publications/chandler-papers-worlds-anti-corruption-efforts-need-reset>.



# PERFORMANCE INFORMATION



# PERFORMANCE INFORMATION

## STRATEGY, OPERATIONS AND COMPLIANCE

SOC ensures the NPA has the strategic guidance and operational capacity to deliver on its constitutional mandate. It supports the organisation to implement its strategy, including the strategic priorities for the remaining 2024/25 Medium-Term Strategic Framework (MTSF) period, elaborated below.

SOC will continue to provide strategic support to all NPA business units in fulfilling their 2024/25 activities. This guidance will be especially important as the country transitions to the next administration after the May 2024 election.

### Strategic priorities

Central to the Service Delivery Improvement Plan is ensuring that the NPA conducts an organisational functionality assessment to evaluate the efficiency and effectiveness of operations, processes and systems.

SOC finalised the implementation of the Efficiency Survey recommendations in all identified areas – the new ways that have been introduced are being sustained. Institutionalising the Capacity Enhancement Initiative has included incorporating it into the Combating Corruption Programme to be funded by the Federal Government of Germany – this will be implemented in the current performance cycle. SOC will commission research to assess the quality of services rendered by the NPA to victims, complainants, state witnesses and a selection of criminal justice stakeholders.

While the NPA's capability review will help to refine its recruitment, retention and professional development strategies, staff training and mentoring is planned through a grant provided by the German Foreign Office's Rule of Law fund. This training will enhance the NPA's specialist skills with a view to strengthening anti-corruption investigations and prosecutions.

The establishment of the OEA marks a new, proactive role for the NPA by focusing on early identification and resolution of service delivery issues. The transition from the IMU to the OEA will be finalised in line with the Regulations in the current year.

SOC continued to amplify the NPA's voice and strategic influence on broader Justice, Crime Prevention and Security (JCPS) priority matters. SOC participated in and presented at strategic

national, regional and global fora representing law enforcement professionals, academia, the private sector, civil society and the media. Numerous newspaper opinion editorial (op-ed) articles were published to inform the public about key developments at the NPA.

### Effective budget management

SOC undertook various advocacy interventions that resulted in the NPA averting extensive budget cuts for the next Medium-Term Expenditure Framework (MTEF). Cost containment measures will continue being implemented and the limitations imposed will depend on the new allocations for the current performance cycle. It is anticipated that the NPA will still not be able to fill all vacant positions and will focus on filling critical posts as recommended by the Capacity Review Committee, budget permitting.

### Promoting sound workplace relations and employee wellness

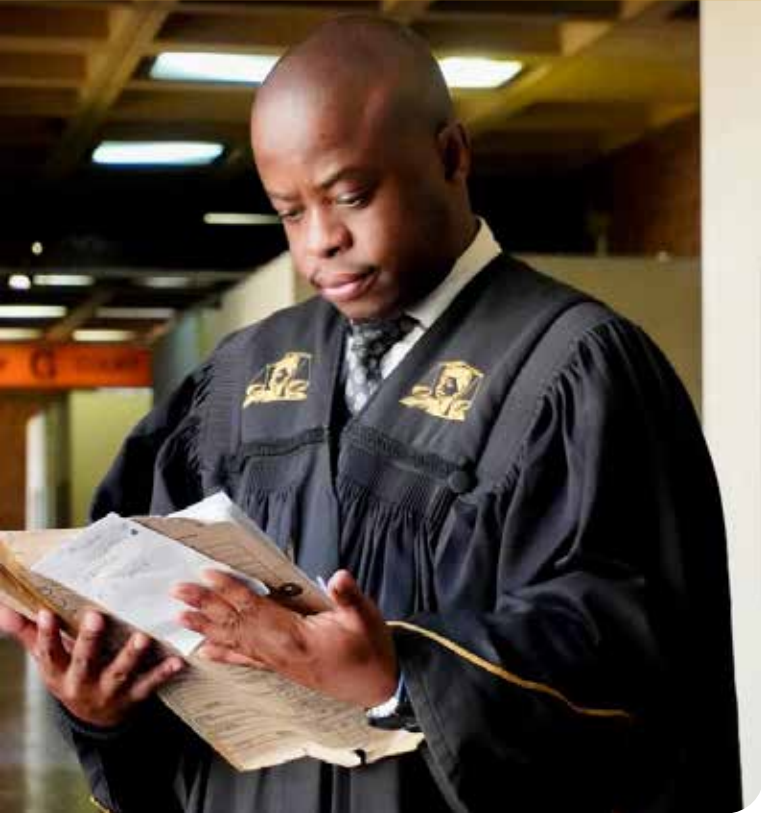
One of the driving forces behind the rebuilding of the NPA is the restoration of ethical conduct in the NPA.

Through improved systems, advocacy and monitoring, there was an increase in the number of misconduct cases dealt with over the past year. This is mainly due to 193 cases of failure to submit financial disclosures. A further five cases of dishonesty were dealt with during the period.

In the same period, employees lodged 158 grievances. Of these, 138 were resolved internally and 20 were referred to the Public Service Commission. Of the 29 disputes filed, 27 were dismissed and two upheld. The high rate of resolution for grievances contributed significantly to the high success rate in dealing with disputes, which is an indication of sound employee relations.

The speedy management of suspensions remains a challenge for the NPA, with 32 open cases remaining at the end of the financial year. The high average of 204 days' suspension is related to five cases in which the affected employees are using delaying tactics by repetitively raising unwarranted interlocutory points, mounting spurious defences, launching baseless counterclaims and appealing against every unfavourable ruling, irrespective of the merits.





### Prosecution prioritisation practice and policy

While the NPA prioritises the pursuit of state capture and related high-level corruption cases, the impact of which has undermined the country's economic wellbeing, it is also developing a prioritisation strategy for crimes affecting the day-to-day security of all South Africans.

As well as initiating 'Ikhaya Lethu' with its focus on the crime of housebreaking, the NPA has been working hard to reduce the national backlog of DNA reports. SOC, in partnership with the SOCA Unit and the SAPS' Forensic Sciences Laboratory, had successfully captured and analysed 49 374 DNA reports with the assistance of contract staff by the end of May 2024. This helps to provide investigators and prosecutors with the required evidence to proactively identify and target serial rapists and sexual offenders. Although the contracts expired during the 2023/24 period and could not be renewed, SOC will seek to mobilise resources both internally and externally to ensure that this work continues in the current performance cycle.

### External partnerships

External partnerships are crucial in leveraging expertise, resources and networks beyond the government's capacity. The NPA establishes strategic partnerships in line with existing

government frameworks, including the Public Finance Management Act, 1 of 1999 (PFMA) and relevant National Treasury Regulations, and uses them to foster innovation in service delivery and facilitate collaborative problem-solving to improve outcomes for citizens.

Although the NPA has managed to retain its budget allocation over the next MTEF period, more resources are needed to ensure that the rebuilding project started five years ago is sustained. Adding to past years' efforts of building a fit-for-purpose organisation, SOC has been at the forefront of collaborating with international donors and partners.

### Official Development Assistance: German funding request

SOC is responsible for the management of Official Development Assistance flowing into the NPA.

An application for €4m (roughly R80m) to pilot a Combating Corruption Programme implemented over a three-year period has been submitted to the Federal Government of Germany. This Programme will provide important capacity building and related support to enhance the NPA's expertise in relation to complex corruption matters. The German grant is designed to strengthen perceptions of the rule of law and increase public confidence in South Africa's state institutions. SOC will continue engaging the Federal Government of Germany for approval of this application. SOC will also lead the implementation of the Programme during its lifecycle (estimated to end in September 2027) in conjunction with relevant NPA business units.

To ensure that the NPA continues to do more with less in a context of fiscal constraints, SOC aims to establish more strategic partnerships with additional development partners, guided by development cooperation agreements signed between South Africa and donor countries.

### Business Against Crime South Africa

SOC continued to operationalise the MoU between the NPA and BACSA. This in-kind support focuses on specialised consultancy services, project management support and capacity development for NPA personnel working on complex state capture matters. This partnership was mentioned by the President as a positive development in the government's formal response to the Zondo Commission findings.

## Performance information – continued

BACSA will remain the NPA's single-entry point of engaging with the private sector and the NPA's strategic partner in the Presidential Partnership Initiative. SOC will continue facilitating access to in-kind support in the MoU's areas of collaboration as identified by the NPA's business units. In the current year BACSA assisted the NPA with donations of R2.5m.

### Presidential Partnership Initiative

SOC has been leading the strategic dimensions of the Presidential Partnership Initiative to date, including representing the NPA in the Joint Initiative against Crime and Corruption and the Joint Strategic Oversight Committee.

The NPA's request to the private sector for in-kind support to establish a Specialised Digital Evidence Unit will enhance the IDAC's capacity to investigate state capture cases, particularly in the context of complex digital evidence.

### Broader strategic support to the NPA's core business

SOC led the development of annual operational plans for all NPA business units, including facilitating discussions in planning sessions, and was instrumental in developing the NPA's Organised Crime Strategy.

### Consolidation and innovation

The coming period is crucial for consolidating and firmly institutionalising the NPA's strategic priorities that have been painstakingly developed over the last few years. Many of the NPA's strategic initiatives are interconnected and mutually reinforcing. For instance, the identification of criminal gangs and repeat offenders through the CPI can guide prioritisation practices and a more sophisticated approach to combating organised crime at a community level. Prosecutorial prioritisation approaches can, in turn, bolster strategic prosecutions aligned with the NPA's new Organised Crime Strategy, allowing the National Prosecutions Service (NPS) to allocate scarce resources more effectively.

Innovation is also critically important for the NPA, operating as it does in a dynamic and increasingly complex environment besieged by evolving forms of crime and criminality. In the 2024/25 period, SOC

will build its capacity to, for example:

- Identify longer-term strategic issues, trends and policy choices facing the NPA through in-depth data analysis, research and the application of lessons from a wide range of local and international sources
- Promote a culture of innovative thinking and action across the NPA, aimed at strengthening the strategic and operational effectiveness of the NPA and its role in the criminal justice system
- Foster productive partnerships with other government stakeholders, civil society, business and academia – both locally and internationally – to enable greater operational cooperation and increase the data, evidence and new ideas available to the NPA's senior decision-makers
- Improve NPA processes and prosecutions through strategic projects, including piloting innovations, evaluating new operational approaches and supporting the institutionalisation of new practices into the operations of the NPA
- Support activities in the NPA that promote its strategic IPAC pillars.

### Strategy Management Office

The Strategy Management Office (SMO) continues to play an instrumental role in supporting an NPA that is accountable, transparent and professional, through niche delivery of planning, performance monitoring, proactive research and risk management. SMO led the development and organisational performance monitoring of the groundbreaking five-year strategic plan and ensured the ongoing accountability of the NPA through several presentations to the portfolio committee.

Over the past five years, SMO has driven impact and efficiency through institutionalised organisation-wide performance reporting and reviews. In collaboration with the DoJ&CD, SMO contributed to the NPA's inputs to the Department's annual report, as well as the NDPP's annual report in terms of the NPA Act.

SMO is responsible for co-ordinating and consolidating progress reporting for the NPA's contribution to the State of the Nation commitments and the Minister's Performance Agreement. SMO



co-ordinated inputs for the 30 Year Review Chapter on the structure of the JCPS.

SMO also plays a crucial role in managing the audit action plan, which assists the NPA to monitor its implementation and ensure reliable reporting on performance.

Enterprise Risk Management advocated for the re-establishment of the NPA's operational risk management committee and supported the delivery of the strategic and operational risk profile, advancing the institutionalisation of risk management in the organisation and the establishment of the NPA Risk Champions forum.

The Research and Knowledge Management component embarked on a 10-year trend analysis to inform decision making and resource prioritisation. Importantly, Research and Knowledge Management has been at the forefront of strengthening service delivery improvement in the organisation by developing crucial mechanisms or operational management framework building blocks, as well as a concept note on the implementation of service delivery improvement.

Over the past five years, Research and Knowledge Management undertook the following key research/evaluation projects:

- NPA Performance Trend Analysis to inform the development of the current strategic priorities
- Several surveys aimed at improving services and impact, such as the ECMS survey, ID staff placement survey, SOC efficiency survey and Implementation of Harassment Policy survey
- Several policy briefs on various topical factors such as the impact of loadshedding on court work, crime situations and population demographics.

SMO participated in national dialogues and presented a paper on 'The Application of ADR Mechanisms by the NPA' at a colloquium held at the North-West University. SMO developed the Knowledge Management Strategic Framework in line with the knowledge management maturity assessment conducted by the DPSA and also coordinated the development of NPA knowledge management portals and the Knowledge Management Hub, which will serve as a gateway for NPA officials to access information and knowledge resources.

SMO played a crucial role in establishing and evaluating the CPI and designing the theory of change/logic model for the housebreaking prioritisation initiative. It delivered the Socio-Economic Impact Assessment Implementation Plan in support of the OEA Task Team. SMO continues to play a leading role in the DNA backlog project.

## Performance information – continued

### Human Resource Management and Development

#### Capacity and establishment

Over the past five years, the NPA has increased its establishment from 5 729 to 6 596 posts. This growth is aligned with the NPA's priorities, with a particular focus on specialised units dealing with commercial crime and corruption matters.

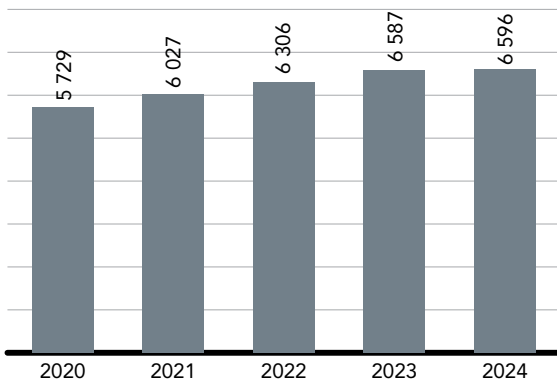


Figure 1: NPA's total establishment, 2020 – 2024

Between 2016 and 2019, the NPA's compensation budget came under severe strain. When the National Treasury allocated additional funds in October 2019, a recruitment drive helped to grow the establishment. In July 2023, budget constraints again impacted recruitment.

The APP added 1 161 staff, including 84 legally qualified serving employees. Of the 3 330 new appointments made, 1 332 were external appointments; the balance were internal transfers and promotions.

#### Employment equity

The NPA is an equal opportunity employer and remains mindful of representivity. Figure 2 indicates a steady growth of women in Senior Management Services (SMS) positions.

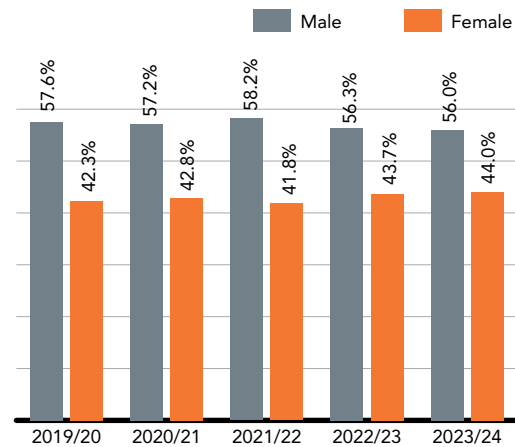


Figure 2: Employment rate for women in SMS positions in the NPA, 2019/20 – 2023/24

The employment of People with Disabilities is unfortunately still below the national target of 2%. It increased from 0.40% in 2019 to 0.47% in 2023 but shows a small decline of 0.01% over the five-year period.

To support the Employment Equity programme, HRM&D initiated an internal Diversity Management Programme as part of creating an inclusive work environment for all employees, but specially for employment equity beneficiaries.

#### Employee health and wellness

Despite the NPA's employee health and wellness capacity and capability being tested over the past five years, particularly in responding to COVID-19 and other diseases, the programme proved resilient. NPA employees were supported and provided with empowering information for using new ways to work, such as webinars and other online interventions.

#### Skills development

There has been a drive to improve skills levels over the past five years, as indicated in Table 1.

Table 1: Skills development in the NPA, 2020 – 2024

	2020	2021	2022	2023	2024
Number of employees trained	2 100	802	1 958	3 335	<b>3 526</b>
Number of skills development interventions	64	60	164	142	<b>141</b>

The study assistance scheme, which was suspended due to financial constraints, was re-introduced in 2020. Figure 3 shows performance against this indicator.

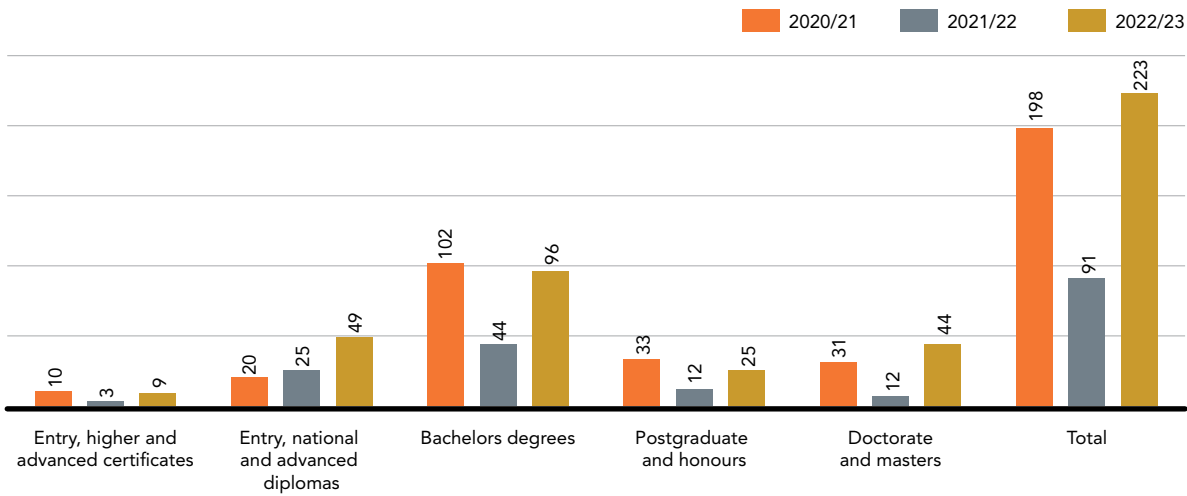


Figure 3: Study Assistance Scheme, 2020/21 – 2022/23

Following the Zondo Commission, the NPA identified a need to capacitate prosecutors to deal with complex corruption and commercial cases. The Capacity Enhancement Initiative assessed capacity for commercial and corruption cases and developed appropriate interventions to enhance this capacity and establish a clear career path for new entrants.

### Employee relations and discipline

There are an average of 57 matters per annum over the past four-years. The spike in 2023/24 was

caused by 193 cases of failure to submit financial disclosures. Instances of misconduct range from insolence to improper conduct, dishonesty and corruption. More than 300 of the matters resulted in corrective action, with only 34 dismissals over the last five years. Figure 4 indicates the outcomes of disciplinary enquiries per year.

Of the 605 grievances in the period (averaging 120 cases per annum), 87% were resolved within the NPA and only 13% escalated to the Public Service Commission.

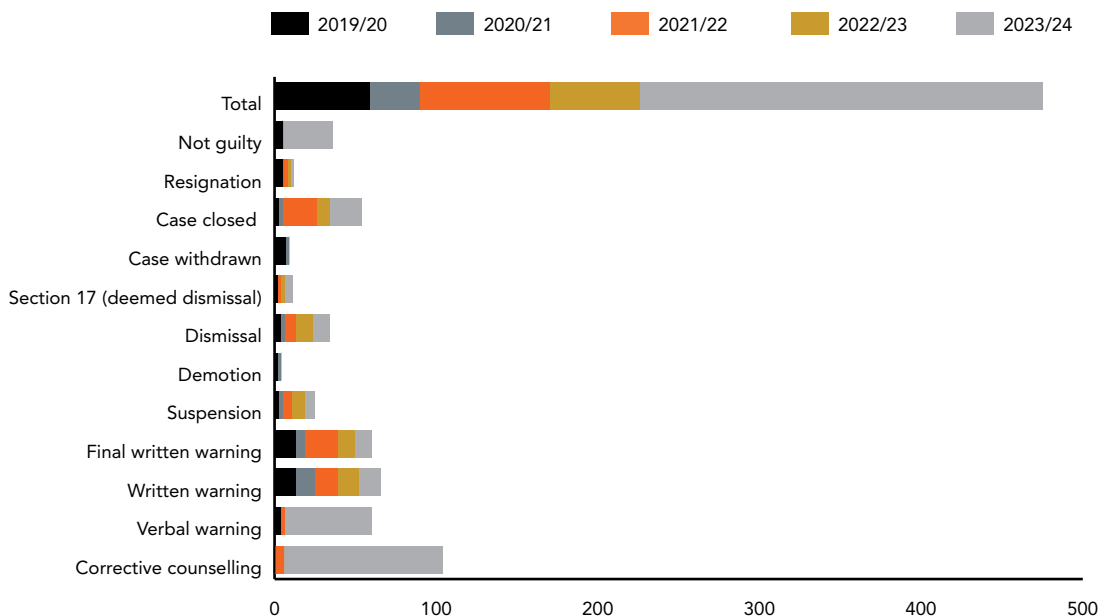


Figure 4: Outcomes of disciplinary enquiries, 2019/20 – 2023/24

## Performance information – continued

### Information and Systems Management

#### Modernisation and systems development

The modernisation process improved the NPA's ICT performance, availability and information security. This work-in-progress entailed transforming the NPA's working environment by upgrading infrastructure, automating manual procedures and electronically enabling and integrating criminal justice processes. Various benefits have been realised, such as more agility, reduced operational expenditure and operational stability. The services introduced are aligned with the NPA's strategic business goals.

#### Network agility

New network switches have been installed and implemented across all NPA offices to ensure availability of connectivity, improved data transmission and increased wireless (Wi-Fi) coverage.

Information and Systems Management (ISM) has also improved internet connectivity and bandwidth, together with shifts in the concepts of ICT ownership and licensing by implementing cloud-based internet services. These forefront architectures will reduce operational expenditure in the medium-term.

#### Cyber security upgrade

The protection of information assets and intellectual property remains pivotal for the NPA. Unauthorised intrusion detection, blocking unsolicited data and information loss prevention measures and encryption were upgraded. Efforts to defend systems and networks against malware receive high priority and new network security is being implemented.

#### Access to technology

Cloud-based technologies for collaboration and storage have been deployed in the past year.

#### ICT infrastructure at the TCCs

To assist in addressing GBV, ISM has successfully installed connectivity at 75% of the TCCs.

#### Data centres

ISM has established a unique data centre to cater for the specialised operations of the ID.

### Information systems

Over 3 000 prosecutors have been trained to use the ECMS, which is part of the plan to integrate the criminal justice system's case management and reporting capability. Several ECMS modules were implemented, including the Investigating Officer Diary, non-SAPS dockets and decision dockets. These expand on the already implemented processes in the Magistrates' Courts.

To ensure greater availability of ECMS and enhanced security and business continuity for the Magistrates' Courts, ECMS was migrated to a cloud service.

Key NPA projects were delivered through the Integrated Justice System funding, including the upgrade of the Microsoft (MS) Dynamics Customer Relationship Management platform for invoice tracking, contracts management and enabling the AFU to manage its cases. ISM also undertook a project to integrate the Invoice Tracking System with the National Treasury Centralised Supplier Database. This project automated the rotation of suppliers on the database, improving supplier management, data accuracy and online functionality for users to search for suppliers.

The business intelligence solution provides NPS business users with an improved method of storing, extracting and analysing data. Data is imported from ECMS, MS Excel, Structured Query Language Database and MS Word.

Several other systems have been launched and hosted via the MS Teams portal. MS Planner was critical for supporting the administration, management, tracking and reporting of priority cases stemming from the Zondo Commission, and continues to be used by DPP offices. The *Viva Engage* portal provides a modern way of disseminating information in real-time and promotes interactive communication throughout the organisation.

The NPA's website was revamped and given a professional facelift to improve navigation and access to information. The NPA's Intranet was upgraded for easier navigation and enhanced access. Several specialised knowledge management portals were implemented for ID, IMU and AFU personnel to share information, case details, workflow, etc.

### Library services

The library continues to provide up-to-date and relevant information to all users. Legal resources in print and electronic format (i.e., Jutastat, LexisNexis and Sabinet Online) are available for research and case preparation. Print collections are comprised of law report series, legislation, textbooks, reference books and journals. A set of key books is issued to each prosecutor and maintained to ensure relevance.

Key achievements include the following:



# 5 874

**items have been added to the library system during the 2023/24 financial year, increasing the total number of items in the catalogue to 84 528**



# 1 015

**prosecutors have been trained to use databases**

### Document Centre services

The Document Centre ensures that the NPA's records management practices comply with legislative requirements and standards. Some of the delivery achievements in this area include:

- 100% of records requested were provided
- File plan review consultations were completed, and the file plan was submitted for approval by the National Archives of South Africa – disposal authority will be requested as soon as the file plan is approved
- Retention periods will be extended, which make storage space a problem at most NPA offices

- A Cape Town Document Centre was established, and training provided on records management procedures to assure compliance
- Set-up of the Legal Affairs Division (LAD) registry was completed.

### Integrity Management Unit

The IMU was established as an anti-corruption capacity in terms of the Public Service Anti-Corruption Strategy, to manage and detect allegations of perceived, potential or actual conflicts of interest. It was required, in terms of its mandate, to play a central role in the prevention, detection, investigation and resolution of corruption. The term 'corruption' was used loosely in the Public Service Anti-Corruption Strategy to encapsulate acts or actions collectively referred to as unethical conduct.

In August 2022, the IMU received a tip off about allegations of unethical conduct against a prosecutor, which included the theft of a case docket and defeating the ends of justice. The prosecutor was convicted by the disciplinary tribunal on three charges of gross dishonesty, withdrawing criminal charges without authorisation and theft of a case docket. The prosecutor's contract of employment was terminated on 22 December 2023.

The financial disclosure framework was introduced with the sole purpose of detecting, preventing and managing conflicts of interest by requiring designated employees to disclose their financial interests. Members of SMS are required to disclose their financial interests every year while other designated employees are required to disclose biennially via an electronic disclosure system. The NPA achieved full compliance, apart from 2021/22 when it was 99% compliant.

### Communications

Reputation management is a critical element of the NPA's Communication Strategy. The enrolment of court cases and successful prosecutions has been a key focus for communication interventions, reflecting effective and impactful prosecutions. As per the media strategy, Communications issues media statements and op-eds and conducts interviews to keep the nation informed about the work and services of the NPA.

## Performance information – continued

### Media relations

Communicating the work of the NPA focused on both proactive and reactive engagements. Communications made significant strides in publishing op-eds on specific matters of public interest, focusing on state capture and other corruption-related matters.

The NPA's social and digital media footprint showed a marked increase over the last few years. The NPA is very active on Facebook, X (Twitter) and YouTube and currently has over 200 000 followers on its social media accounts.

The NPA's leadership was visibly active in the media space, covering various aspects of the NPA's strategy and implementation in interviews on radio and television current affairs shows. The *DPP Speaks* series, where DPPs update the public about their performance and service delivery, continues to increase community engagement and serve as a mechanism for accountability and feedback. Such engagement by Division communicators supplements daily media communications on the outcomes of court cases.

### Public relations

Public awareness sessions in the form of in-person outreach events and interviews in traditional and digital media platforms form the bedrock of the public relations' work. The aim is to increase awareness on prosecution-related topics and educate the public to empower them to access justice. In 2023/24, more than 300 public awareness activities took place, some led by the NPA and others in partnership with stakeholders, to popularise the work of the NPA and the entire criminal justice system.

One of the NPA's priorities, which has been amplified through direct engagements and outreach events at the community level, is the CPI. With the support of the communications team, NPA specialists and trained legal professionals engaged with local communities to address issues such as stock theft, GBV, domestic violence, etc. Communications provides ongoing support to the community prosecutors to facilitate media and community engagement and to provide appropriate branding for the project.

### Internal communications

The main objective of internal communications is to enable staff to understand the NPA's business agenda and strategic priorities, for them to make better and more informed business decisions. Two-way communication and engagement between staff and the senior leadership was enabled, facilitating a sense of pride, loyalty and commitment towards the NPA brand.

Various channels were used to enable the smooth flow of information throughout the organisation. Most notably, Decisions and Updates from ExCo and ManCo is vital for ensuring transparent and open communication from the leadership to the entire organisation. The *Viva Engage* platform, which was introduced during the last quarter of the financial year, provided 360° engagements among all levels of staff in the organisation. Strategy-based webinars, mainly on the topic of maintenance, and other key NPA events, such as TCC launches, were livestreamed for both internal and external audiences.

### Security Management Services

#### Close protection services

Over the past four years, close protection security was provided to 132 NPA officials who had received threats during the execution of their duties. This amounts to a cost of about R185m. The KZN Division has the highest number of close protection services provided for NPA employee officials.

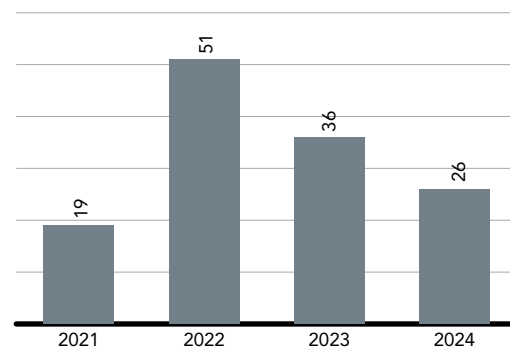


Figure 5: Number of officials receiving close protection services, 2021 – 2024



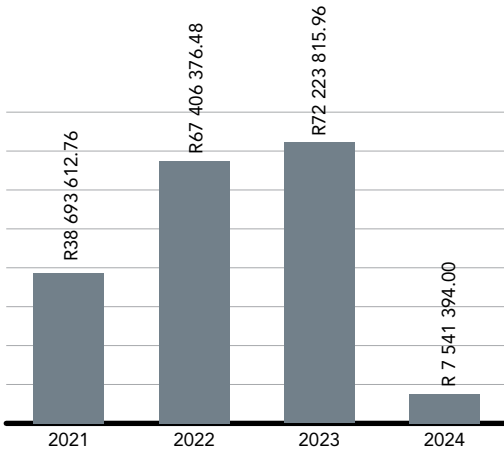


Figure 6: Cost of special services, 2021 – 2024

### In-house security protection services

Security close protection services for employees under threat are outsourced to private security service providers. Due to challenges experienced during emergency protection requests, the NPA has created in-house capacity to provide close protection, which is also more cost effective.

### Security coordination on classified high-risk cases and special events

Over the past five years, security coordination was provided to the divisions in 85 high-risk cases and 19 NPA-hosted special events, as classified in terms of the Safety at Sports and Recreational Events Act, 2 of 2010. Security coordination was provided as follows:

- 2020: 21 high-risk cases and 1 special event
- 2021: 18 high-risk cases and 2 special events
- 2022: 20 high-risk cases and 10 special events
- 2023: 20 high-risk cases and 5 special events
- 2024: 6 high-risk cases and 1 special event.

### Occupational health and safety

To ensure compliance with Occupational Health and Safety legislation and other safety measures, the Chief Directorate conducts Occupational Health and Safety awareness, inspections and compliance audits in all NPA buildings.

During the period under review, the Chief Directorate decentralised compliance monitoring to the regions and capacitated regional representatives through training. Training was provided to 200 NPA

employees. An average of two evacuation drills per building per year were conducted to ensure preparedness during emergency evacuation.

### Vetting and information security compliance services

During the period under review, the Vetting Fieldwork Component performed a total of 1 554 investigations:

- 190 in 2019/20
- 189 in 2020/21
- 253 in 2021/22
- 327 in 2022/23
- 595 in 2023/24.

A total of 3 537 applications for vetting were processed, recording a compliance rate of 62% against the establishment. Security Management Services prioritises vetting for NPA senior managers, ID officials and the newly established OEA staff. A key highlight during this period is the introduction of Layered Voice Analysis to enhance the screening process for ID, with the assistance of the Special Investigating Unit (SIU).

## Financial Management

### Financial overview for 2023/24

Between 2016 and 2019, the NPA faced severe financial constraints. Additional funds were made available in 2019 through the NDPP’s budget advocacy. This budget growth, as depicted in Figure 7, was unfortunately short lived due to the economy’s below-expected growth.

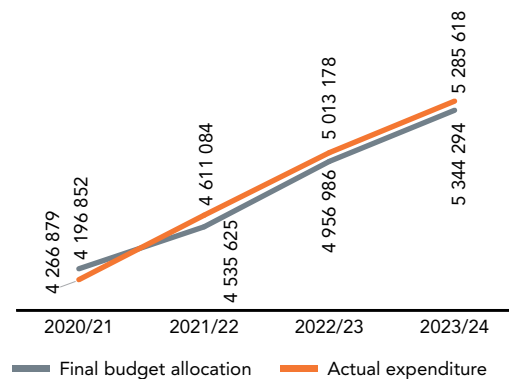


Figure 7: NPA budget allocation and actual expenditure, 2020/21 – 2023/24

## Performance information – continued

The NPA's budget allocation increased by an average of 7.98% per year, from R4.266bn in the 2020/21 financial year to R5.351bn in 2023/24. The overall adjusted 2023/24 budget allocation was R5.371bn, which includes a ring-fenced budget allocation of R260m for the ID.

With the primary focus of the NPA being public prosecutions, 74.07% of the total budget allocation was spent on the NPS. SOC is the second largest sub-programme, accounting for 11.46% of the total budget allocation.

It is anticipated that overall budget increase over the MTEF period will be 6.01%. However, this growth is limited, as the majority goes to cost of living adjustments for employees and does not assist in creating additional capacity.

### Partnerships and in-kind donations

The project to rebuild the NPA was met with enormous support, not only within government but also in corporate South Africa and among civil society organisations. Several key partnerships were entered into, including with BACSA. Through these partnerships, the NPA was able to undertake capacity-building initiatives supported through in-kind donations to the value of R52m over the past five years. This also saw the conceptualisation of the Presidential Partnership Initiative and a crime and corruption work stream created within the initiative.



## NATIONAL PROSECUTIONS SERVICE

The NPA has hundreds of excellent and dedicated prosecutors who have served their country with distinction, but a decade of state capture severely hampered the credibility of the organisation. It required considerable effort to build a fit-for-purpose, future-proof NPA. As the core business unit of the NPA, the NPS was prioritised for this purpose.

To respond to changing needs and priorities, the structure of the NPS has been reviewed. This resulted in appointment of a SDPP for NPS that is responsible for Serious and Complex Tax, as well as dedicated components for Organised Crime, Operations Management and TRC matters. Key towards building a credible organisation has been engaging with stakeholders to ensure a collaborative approach to addressing priorities and establishing coordinating structures, such as the Integrated Task Force to coordinate the response to the recommendations of the Zondo Commission.

The past five years have been challenging considering the impact of the COVID-19 pandemic, which delayed efforts to rebuild the NPA and increased backlogs.

The NPS prides itself on the levels of professionalism and unwavering dedication to justice demonstrated by its staff. With their extensive legal knowledge and experience, prosecutors work to ensure that justice is served and that the rights of all South Africans are protected. The power to institute and conduct criminal proceedings is conferred upon the DPPs, who are responsible for a particular area or division within the NPA. Where the ID institutes actions, these are done after consultation with the DPP for the area concerned. Prosecutors are assigned responsibility for carrying out prosecutions within the divisions and in the District, Regional and High Courts. The prosecutors in the Magistrates' Courts prosecute more than 98% of all criminal trials, impacting the lives of most victims of crime.

Provision has been made for specialisation within the NPS. These specialised components focus on priorities and are reflected in the work and structure of the divisions. They include the SCCU, SOCA, OCC, Priority Crimes Litigation Unit (PCLU) and STU, as well as the International Cooperation, TRC, Training, Representations and Operations Management components. The work of the NPS is supported by court preparation officers (CPOs) and administrators at a national level and within the divisions.

Organised crime has been identified as a significant threat to South Africa, while money laundering and terror financing are key concerns for investment partners and are renewed areas of focus for our country.

The FATF assessment of South Africa's implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system identified weaknesses and areas that need to be urgently addressed. The NPS has a significant part to play in helping to remove South Africa from FATF's 'grey list' and the Deputy National Director of Public Prosecutions (DNDPP) has taken the lead in driving these processes, including attending meetings and engagements with the assessors and FATF plenary sessions. The NPA also leads the FATF Law Enforcement Agency Workstream. Significant progress has been made and we are confident that the country is in a strong position to respond to money laundering and terror financing.

We have established partnerships with law enforcement agencies to deal with the Zondo Commission recommendations, coordinated by the Integrated Task Force. The NPA, DPCI, Financial Intelligence Centre (FIC) and SIU are participants.

As JP Landmann recently wrote, responding to state capture corruption is neither a one-person nor a one-day job. Although South Africa tracks well against international trends in dealing with complex corruption, we must always remember that we will not prosecute ourselves out of the current corruption crisis. A whole-of-society response is required – not only on the soft prevention issues, but on the harder accountability dimensions as well.

### Key achievements

The SCCU obtained 333 convictions for 372 serious and complex commercial crime verdict cases.

This resulted in a high conviction rate of 89.5%. A total of 389 persons and companies were convicted of corruption over the past year, 135 of which were government officials. The SCCU enrolled four cases relating to 16 recommendations in the Zondo Commission report. These include the 'Asbestos' matter involving 13 persons and four entities, and the 'SA Express' matter involving four persons and three entities. Several other matters are at an

## Performance information – continued

advanced stage of investigation and will be ready for enrolment in the coming months. Apart from the general cases, the SCCU, working with the DPCI and other stakeholders, focussed on a list of priority cases identified by the NPCOC, clean audit cases identified by the dedicated task team, OECD foreign bribery cases, referrals from the SIU and various cases from SIU and the DPCI related to state-owned enterprises.

The NPS exceeded expectations in many performance areas.

These include exceptional conviction rates in the High Courts (91%), Regional Courts (81.8%) and District Courts (95.1%), as well as for the prosecution of murder (80.4%), femicide (91.7%), intimate partner femicide (93.3%), complex tax matters (97%) and organised crime (93.4%).

The footprint of TCCs, which provide comprehensive services and support to victims of sexual violence to enhance prosecution outcomes, has been expanded from 55 in 2020/21 to 64 in 2024.

Partnering with SAPS, a backlog of 49 374 DNA reports were cleared between October 2020 and the end of May 2024 to expedite the prosecution of sexual offences cases, in particular focussing on serial rapists identified through this project.

Established in September 2021, a separate TRC Component deals with TRC matters.

Sixteen dedicated TRC prosecutors guide investigations and oversee the 159 matters that were identified for investigation. Thus far, 24 matters have been finalised with a decision. Thirty-four dedicated TRC investigators from DPCI are currently working on 137 matters under investigation. The NPA also commissioned a review of the measures put in place to avoid any political interference in the prosecution of TRC cases – the report has been published on the NPA website.

In May 2023, new capacity was brought into the organisation by 700 young professionals through the APP – the biggest intake of aspirant prosecutors since relaunching the programme.

### Key challenges

The key challenge affecting performance and operations for the divisions remains electricity interruption caused by both loadshedding and cable theft. Water interruptions are also a major contributor to the early closure of courts and offices, resulting in reduced court hours. Despite these challenges, the number of verdict cases in the District Courts increased from 148 415 to 160 623 cases (8.2%), and from 20 835 to 21 180 cases (1.1%) in the Regional Courts. There was also a significant increase in verdict cases related to sexual offences, from 3 813 of 5 276 (14.5% increase).

Addressing the key challenges in the courts required engagement with our partners in Provincial Efficiency Enhancement Committee (PEECs) meetings, which are chaired by the respective Judge Presidents of each province, as well as regular management meetings with the DPPs in monthly management meetings.

The budget constraints, which were followed by the COVID-19 pandemic, resulted in a lack of regular training for prosecutors – special attention has been required to develop the skills of prosecutors over the past three years. A knowledge management portal has been developed, with retired and experienced private sector practitioners and judges involved in enhancing the skills of prosecutors.

### Stakeholder engagements

The Integrated Task Force was introduced early in 2022 to enhance the monitoring and collaboration on cases related to the Zondo Commission's recommendations. The meeting is chaired by the DNDPP: NPS but is attended by all stakeholders within NPA (ID, AFU, NPS, SCCU, SOC and Communications) as well as the DPCI, SIU, FIC and SARS. Initiatives flowing from this meeting includes the conception of the Advisory Panel, which consists of experts within the ID, SCCU and DPCI as well as ad hoc experts who are invited in accordance with the needs of specific case requirements. This is supported by an integrated Top 10 Priority Committee that considers specialised commercial crimes cases, as well as other priority cases in greater detail.

South Africa's grey-listing by FATF provided the NPA with an opportunity to reflect on its collective interventions and strategies to tackle money-laundering and terror financing. The NPA has been working closely with relevant law enforcement agencies to do everything possible to ensure that South Africa is taken off the grey list as soon as possible, thus reducing the costs of doing business in our country. For its part, the NPA has been focussing on identifying and enrolling cases linked to money laundering and terror financing. The NPA has put in place a monitoring mechanism to ensure that, together with our partners, the country is on track to meet its obligations in terms of the FATF Action Plan. The NPA, with the assistance of its partners, has instituted 84 new money laundering prosecutions.

The NPA has collaborated with the Global Initiative against Transnational Organised Crime to develop a precise and focused Organised Crime Strategy. The

success of any organised crime strategy is highly dependent on collaboration with JCPS partners, particularly the DPCI. The NPA has been working closely with them in this process.

## Performance

It is important to note that a lot of court time is spent on quasi-judicial functions relating to important work within the criminal court environment. These include formal applications for bail, which sometimes take over a day to resolve in court – these have increased by 70% in the District Courts, from 51 173 in 2021/22 to 86 796 in 2023/24. Other work includes applications to impose suspended sentences where accused break the conditions of suspension of their sentences, applications for leave to appeal, preliminary enquiries in terms of the Child Justice Act, 75 of 2008, accused sent for mental observations, criminal cases converted into maintenance enquiries and sentence conversions.

Table 2: Criminal court matters finalised in the District Courts, 2019/20 – 2023/24

Fin year	Suspended sentences	Application for leave to appeal	CJA: prelim inquiries	Formal inquests	Bail: no of formal applications	Committal to mental institution	Conversion of maintenance trial to enquiry	Conversion of sentence	Total DC matters finalised
FY2019/20	2 681	273	7 946	177	53 306	488	481	167	65 480
FY2020/21	1 787	72	4 506	159	43 506	261	348	36	50 669
FY2021/22	2 014	88	5 408	71	51 173	562	411	104	59 831
FY2022/23	1 819	118	6 147	86	65 242	706	356	103	74 577
FY2023/24	1 802	101	6 262	197	86 796	683	308	50	96 177

Table 3: Criminal court matters finalised in the Regional Courts, 2019/20 – 2023/24

Fin year	Suspended sentences	Application for leave to appeal	CJA: prelim inquiries	Formal inquests	Bail: no of formal applications	Committal to mental institution	Conversion of maintenance trial to enquiry	Conversion of sentence	Total RC matters finalised
FY2019/20	220	1 266	19	1	4 051	201	2	73	5 831
FY2020/21	159	586	13	5	2 899	101	2	22	3 787
FY2021/22	298	714	8	8	3 295	189	2	39	4 553
FY2022/23	306	758	53	7	4 118	243	10	53	5 548
FY2023/24	233	678	6	13	3 367	290	5	57	4 649

## Performance information – continued

### SERIOUS AND VIOLENT CRIMES



Adv. Steven Rubin

#### State v Hadebe and others (Gauteng: Johannesburg)

The deceased, Babita Deokaran, was a whistleblower who reported irregularities in the spending of the Gauteng Department of Health.

Mpungose and co-accused fired 11 shots at the deceased's vehicle. She was struck several times and passed away in hospital as a result of multiple gunshot wounds. Although Mpungose shot and killed the deceased, all six accused shared a common purpose and created the opportunity for Mpungose to 'deal with her'.

The roles played by the accused varied: accused 1 played a prominent role in introducing the other accused to Mpungose; accused 3 drove the vehicle from which Mpungose shot at the deceased; accused 5 concealed the vehicle after the murder; accused 6 identified the vehicle of the deceased; and accused 2 and 4 were 'spotters'.

The accused entered into a section 105A plea and sentence agreement with the State and were all found guilty of murder on the basis of *dolus eventualis*. Accused 1 and 3 were sentenced to 22 years' imprisonment, accused 4, 5 and 6 to 15 years' imprisonment and accused 2 to six years' imprisonment.



Adv. Zwelethu Mata

#### State v JJ Ndlovu (Mpumalanga)

On 18 April 2021, Joseph Joeman Ndlovu and Bonginkosi Shakoane drove past two people known to and disliked by Ndlovu. Shortly after, the accused went back to look for the victims and found them

fixing their vehicle's tyre. The accused pretended they wanted to help the victims but fatally shot them. They also shot and killed Sinky Mokoena who lived nearby and went to investigate when she heard gunshots. The accused burned the deceased's vehicle and drove away.

On 21 August 2021, the accused fatally shot Nkosinathi Thabang Mokoena with unlicensed firearms at the Bhengazi Tavern in Marite Trust.

The prosecutor relied on hearsay evidence supported by expert witnesses from the Forensic Science Laboratory on the cartridge casings found at the crime scenes.

Ndlovu and Shakoane were convicted of four counts of murder, obstructing the administration of justice, possession of a firearm and possession of ammunition in the Mpumalanga Division of the High Court. Ndlovu was sentenced to three life terms and an additional 45 years' imprisonment. Shakoane was sentenced to four life terms and 60 years' imprisonment.

#### State v SP Zamisa and AP Zamisa (KwaZulu-Natal)

The deceased, Smangele Simamane (mother) and Sbhongakonke Mthembu (daughter), lived in the same neighbourhood as the accused, Slindile Pamela Zamisa and Andile Pollet Zamisa. The accused invited Smangele and Sbhongakonke to their house under the guise of resolving a dispute between Sbhongakonke and one of their younger family members. On arrival, Smangele and Sbhongakonke were accused of killing the Zamisas' male relative, Bheki Ngcobo, by using witchcraft. They were held and tortured for several hours. Smangele was assaulted and boiling water was poured into her ears and over her body. They were killed and their bodies disposed of in the KwaDabeka area.

The Durban High Court sentenced the accused to two life sentences and 16 years' imprisonment and one life sentence and 16 years imprisonment, respectively, for kidnapping and murder. They were also convicted of defeating the administration of justice for concealing evidence by moving the deceased and disposing of their bodies.



Adv. Vaveki



Adv. Ntelwa



Adv. Vos

### State v Lwando Ntantiya and Nkosekhaya Loyd (Eastern Cape)

On 6 July 2021, the accused assaulted a security officer guarding cash in transit from Sondela Cash Loans in Whittlesea, hitting him with a firearm and stealing cash and his firearm.

On 9 September 2021, the armed accused accosted a G4S security officer carrying a cash box. He was robbed of his firearm and the money.

On 15 January 2022, at Big Daddy Liquor store, the armed accused 1, 2 and an unknown male clad in balaclavas confronted a G4S security officer carrying a cash box. He dropped the box and hid in the cash-in-transit vehicle. The accused and his companion drove off with the cash box in the back of their bakkie.

The cash-in-transit vehicle driver pursued the bakkie and rear-ended it, causing it to plough into a wall. The accused fled, leaving the cash box in the abandoned vehicle. They hitchhiked to Queenstown, where the accused attempted to report the bakkie as stolen and was arrested.

On 25 March 2022, a G4S security guard went to Shoprite to collect cash. A group of police officers noticed the cash-in-transit vehicle and monitored it. The armed accused confronted the security guard on his way back to the vehicle, taking the cash box and his firearm. One of the accused forced a trolley assistant at Shoprite at gunpoint to carry the cash box. The security guard alerted the police officers and a shootout ensued between the police and the accused. One of the accused used the trolley assistant as a human shield and he was shot and fatally wounded. The accused were also shot and injured. Both of them were arrested at the scene. They were in possession of the security guards' firearm and the firearms stolen from security guards in the previous two robberies.

The accused were convicted on four counts of robbery with aggravating circumstances, one count of murder, three counts of attempted murder, unlawful possession of firearm and ammunition. They were sentenced to life imprisonment.



Adv. Krishen Shah

### State v KS Chetty (KwaZulu-Natal)

Kista Sergie Chetty, his wife Elisha Naidoo and their five minor children lived in a rented house in Phoenix. They shared the house with other family members, including his wife's brother. On 31 October 2023, Chetty had an argument with his wife and his brother-in-law and they chased Chetty out the house. He harassed the occupants of the house to be let back inside but they refused. In the early hours of the following morning (1 November 2023), one of Chetty's daughters opened the door and let him inside the house.

Chetty, who was employed as a grass cutter, decanted petrol out of a grass cutting machine, poured it onto the floor, lit a fire and fled the scene. Chetty's wife, three of their children and a nephew died in the blaze. The cause of their deaths was either 100% burns or smoke inhalation. The remaining family members were able to escape. Chetty was arrested

later the same day.

The Durban High Court sentenced Chetty to five terms of life imprisonment and an additional 49 years' imprisonment for five counts of murder, six counts of attempted murder and arson.



Adv. Abe Koalepe

### State v Sikhakhane and Others (Gauteng: Pretoria)

The accused, Isaac Gabangaye Sikhakhane, conducted a reign of terror in Atteridgeville, including killing taxi operator rivals for the lucrative taxi business in the area.

The Gauteng Provincial Detective Office established a task team to address violence in the taxi industry. Several old dockets, which were linked to the main suspect but had been removed from the court rolls in Atteridgeville or not enrolled due to lack of evidence, were brought to the DPP for review. Through linkages made by ballistics, as well as tracing previous eyewitnesses who had been reluctant to testify, the matter was ultimately prosecuted in the High Court. Sikhakhane shot and killed his nephew in front of the nephew's wife and she became a key eye witness.

After bringing a failed application to have the matter permanently stayed, Sikhakhane and his co-accused were convicted on several counts, including two counts of murder, and were sentenced to two terms of life imprisonment plus 23 years' imprisonment and two terms of life imprisonment plus 10 years, respectively.

## Performance information – continued

Table 4: Criminal court matters finalised in the High Courts, 2019/20 – 2023/24

Fin year	Suspended sentences	Application for leave to appeal	PI diversion	Formal inquests	Bail: no of formal applications	Committal to mental institution	Conversion of maintenance trial to enquiry	Conversion of sentence	Total HC matters finalised
FY2019/20	0	231	0	0	2	3	0	3	239
FY2020/21	1	94	0	1	9	2	0	0	107
FY2021/22	2	123	0	0	7	4	3	1	140
FY2022/23	1	140	0	0	2	8	0	0	151
FY2023/24	2	112	0	0	3	2	0	0	119

Applied filters: FiscalYear is FY2023/24, FY2022/23, FY2021/22, FY2020/21, or FY2019/20

The main functions of prosecutors relate to court work but there are many important tasks that need to be conducted outside of court to deliver justice. These include the consideration of case dockets received from the police to determine whether anyone should be prosecuted, as well as giving directions to investigators that must be completed before court appearances. Prosecutors had to consider nearly 448 000 such dockets. In addition, 116 388 cases relating to less serious offences were diverted from the criminal courts in terms of ADR mechanisms. Representations received by Magistrates' Courts and DPP offices amounted to 52 853 cases that required reconsideration. Prosecutors also appear in domestic violence civil applications, where formal applications are heard for protection orders as well as formal maintenance enquiries.

The performance of the courts and the progress of cases are discussed at monthly National Operations Management Meetings (NOMM) and DPP Case Management Meetings. The specialist components also have national meetings with the regional heads or coordinators assigned corresponding specialist responsibilities within the divisions.

Table 5: Conviction rates and decision dockets, 2019 – 2024

Strategic Objective	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in High Courts	90.9% = 782/860	93.8% = 542/578	90.9% = 648/713	89.3% = 706/791	<b>91.0% = 691/759</b>
Conviction rate in Regional Courts	82.5% = 21 246/25 744	82.2% = 13 358/16 175	80.6% = 16 433/20 385	82.6% = 17 205/20 835	<b>81.8% = 17 328/21 180</b>
Conviction rate in District Courts	95.3% = 195 439/205 121	95.9% = 116 230/121 213	93.9% = 124 152/132 222	94.5% = 140 178/148 415	<b>95.1% = 152 746/160 623</b>
Clearance ratio on decision dockets received	92.5% = 897 622 dealt with	92.7% = 858 155 dealt with	93.4% = 843 911 dealt with	91.8% = 854 802 dealt with	<b>92.8% = 879 240 dealt with</b>



As expected, the conviction rates in the District Courts are higher than in other courts since many of the offences dealt with in these courts are crimes where accused have been caught 'red-handed' or are known to the victim. Examples of such offences include assault, theft (especially shoplifting) and possession of drugs or suspected stolen property. These cases allow the courts to determine the guilt of an offender more easily than when the perpetrator needs to be identified, is unknown to the victim or arrests take place sometime after an incident.

The more serious cases are heard in the Regional Courts, including murder, rape, robbery with aggravating circumstances, house-breaking and cases involving serious and complex prosecutions. The conviction rate in the Regional Courts is therefore lower than in the District Courts as the crimes are frequently committed by perpetrators unknown to the victims. These matters are also more complex and vigorously contested by the accused. The conviction rate remains highly commendable given the nature of the cases prosecuted in this forum.

The High Courts only hear the most serious cases that are comprised of multiple serious offences, are complex or have significant public interest.

The complexity and seriousness of the cases in the various fora are displayed by the percentages of accused that have been sentenced to direct imprisonment, as indicated in Figure 8.

## Finalised cases

### District courts



Number of accused sentenced to direct imprisonment in District Courts:  
**37 120**

Percentage of accused sentenced to direct imprisonment in District Courts:  
**33.1%**

- Acquitted – 7 877 (4.55%)
- Convicted: Trial – 127 127 (79.15%)
- AG Sec 57A – 25 619 (15.95%)

### Regional courts

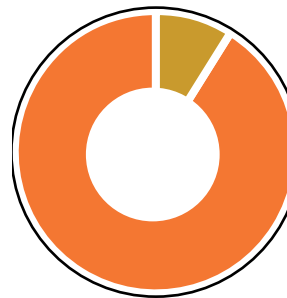


Number of accused sentenced to direct imprisonment in Regional courts:  
**16 010**

Percentage of accused sentenced to direct imprisonment in Regional courts:  
**69.0%**

- Acquitted – 3 852 (18.19%)
- Convicted: Trial – 17 309 (81.72%)
- AG Sec 57A – 0 (0%)

### High courts



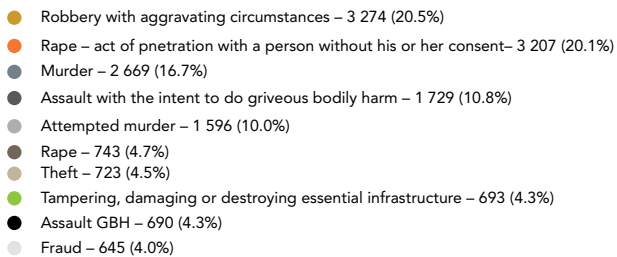
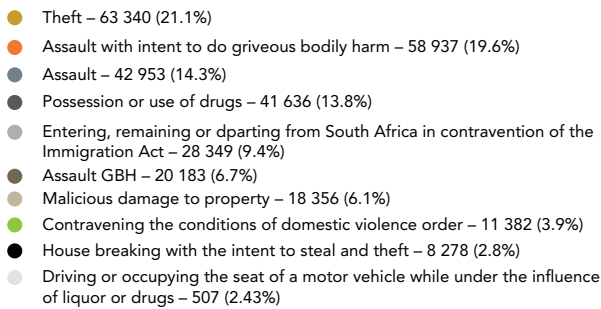
Number of accused sentenced to direct imprisonment in High courts:  
**872**

Percentage of accused sentenced to direct imprisonment in High courts:  
**95.5%**

- Acquitted – 68 (9.01%)
- Convicted: Trial – 687 (90.99%)
- AG Sec 57A – 0 (0%)

Figure 8: Verdict cases finalised during the year and % accused where direct sentences imposed

## Performance information – continued



### Money laundering

Money laundering and terror financing are key concerns of investment partners and are a renewed area of focus for South Africa, especially considering the FATF's findings.

Key areas for the NPA to address include:

- Demonstrating a sustained increase in outbound requests for MLA
- Timely follow up on MLA requests, particularly regarding money laundering, terror financing and asset forfeiture
- A sustained increase in proactive requests for financial intelligence from the FIC in the case of money laundering and terror financing investigations
- A sustained increase in the prosecution of serious and complex money laundering cases, particularly money laundering networks, professional enablers, third party laundering and foreign predicate offenders, as well as the identification, seizure and confiscation of proceeds of crime and instrumentalities of offences.

South Africa was also required to review its terror financing risk assessment (which has been completed), update and implement the Counter Terror Financing Strategy, and enhance the capacity of entities such as the NPA to address terror financing. Dedicated human capacity, financial resources and training would allow South Africa to demonstrate a sustained increase in the identification, investigation and prosecution of terror financing related activities.

### Corruption

In collaboration with the ID, the NPS plays a key role in addressing corruption, with a special emphasis on the recommendations of the Zondo Commission regarding corruption and maladministration in various sectors of society.

Table 6: Corruption, complex tax and money laundering, 2019/20 – 2023/24

Strategic objective	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Number of government officials convicted for offences related to corruption	184	86	130	125	<b>135</b>
Number of persons convicted of private sector corruption	233	147	209	203	<b>254</b>
Conviction rate in complex tax cases	92.3%% = 601/651	90.2%% = 277/307	90.5% = 344/380	86.9% = 364/419	<b>89.5% = 161/166</b>
Number of cases finalised with verdicts involving money laundering *2023/24 = number of new prosecutions instituted	72	65	90	89	<b>98</b>

### Serious and violent crime

Convictions were obtained in 3 025 of 3 764 (80.4%) murder cases finalised with a verdict – a conviction rate that increased by 0.6%. Both the number of convictions and the number of cases finalised with a verdict increased significantly compared to the previous financial year.

Table 7: Conviction rate in murder and trio crimes, 2019/20 – 2023/24

Strategic objective	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in murder prosecutions	80.1% = 3 193/3 987	79.3% = 2 123/2 676	77.4% = 2 787/3 600	79.8% = 2 982/3 738	<b>80.4% = 3 025/3 764</b>
Conviction rate in trio crimes	82.2% = 1 355/1 649	85.2% = 809/949	81.3% = 1 038/1 277	82.7% = 1 034/1 250	<b>83% = 1 007/1 213</b>

The fight against violent crime, particularly murder and rape, was undermined by challenges with the management of forensic DNA due to shortages of essential chemicals required for DNA analysis. The SAPS Forensic Science Laboratory is addressing these challenges.

### Gender-based violence and femicide

An increasing number of GBVF incidents are reported to SAPS. The NPA continued to place special emphasis on prosecuting these matters, obtaining a conviction rate of 72.2%.

Femicide is the intentional killing of a female (or perceived female, based on gender identity) specifically because she is female, whether committed within a domestic relationship, interpersonal relationship or by any other person. A conviction rate of 91.7% (511 convictions from 557 verdict cases) was obtained for femicide.

Intimate partner femicide is defined as femicide committed by a current or former husband (divorced or separated), boyfriend (dating or cohabiting), ex-boyfriend or rejected would-be lover. During the last financial year, 375 convictions were obtained from 402 verdict cases, representing a 93.3% conviction rate.

## Performance information – continued

### GENDER-BASED VIOLENCE AND FEMICIDE



Adv. Johan Badenhorst

#### State v Hlabangwane (Gauteng Johannesburg)

The accused and the deceased were in a romantic relationship and the deceased had previously reported instances of domestic violence to friends and family. The deceased broke off the relationship, moving out of the shared residence and in with her father between July and September 2021.

Between 6 October and 13 November 2021, the deceased was killed as a result of blunt force trauma with a large sharp object to the face. The accused dismembered the deceased, burying her head in Lufhereng in Protea Glen and storing her arms and legs inside his freezer. Her remaining body parts have not been recovered.

The accused was convicted of murder, defeating or obstructing the course of justice and violating a corpse. He was sentenced to an effective term of life imprisonment.



Adv. Gugu Xulu

#### State v Cele (KwaZulu-Natal)

Following the breakdown of their marriage, Bhekukwanda lan Cele left home but his wife, Nwabisa Joy-Grace Mgandela, remained in the house with their children. In June 2020, Cele returned to the house with unknown men who assaulted Mgandela and strangled her with a rope. They placed her in the bathtub with one end of the ligature around her neck and the other tied to a rafter above the bathtub. She died from the injuries she sustained. Cele was arrested the following day.

The Durban High Court sentenced Cele to life imprisonment for murder.



Adv. Naveen Sewparsat & Adv. Deneshree Naicker

#### GBVF extraditions (KwaZulu-Natal)

The NPA in KZN successfully finalised two extraditions, both involving GBVF. In both cases, the suspects had allegedly killed their partners and then fled the countries where the crimes had been committed.

The first extradition application was made by the Kingdom of Eswatini (Swaziland) to South Africa on the basis that the suspect can be prosecuted for the alleged crime in Eswatini. The request was for the extradition of one of their nationals who had allegedly strangled his girlfriend in Eswatini and then fled to South Africa. Investigations by Eswatini police officers revealed that the suspect was hiding on a farm in

Kokstad. SAPS assisted with his arrest on 20 October 2020.

The second extradition application was made by South Africa to Eswatini for a South African national from Nongoma who was in hiding in Eswatini. The accused was in an allegedly abusive relationship with his girlfriend, the deceased. A few days after obtaining a protection order against him in September 2020, the accused and the deceased had an argument and he allegedly fatally stabbed her. The accused fled the Nongoma area to Eswatini. The NPA drafted a request for the provisional arrest of the accused. An extradition inquiry was held at a court in Eswatini and the magistrate found that the accused was extraditable. The Minister of Justice in Eswatini confirmed the magistrate's order. On 4 August 2023, Interpol officials from South Africa travelled to Eswatini and brought the accused back to South Africa. He appeared in the Nongoma Magistrates' Court on 7 August 2023 where he abandoned his application for bail.

The accused was sentenced to two life sentences for rape and murder.



Adv. Valencia Dube

### State v Ackermann (Gauteng: Johannesburg)

The accused's modus operandi entailed meeting boys from disadvantaged backgrounds on social media and grooming them over a period of time until they sent him photos and videos of themselves in various

stages of undress and sexual acts in return for menial payment. He sold the child pornography sent to him. As the grooming intensified, the accused lured the boys to Johannesburg with the promise of more money and rented them out to men to be sexually exploited and abused.

The accused was initially charged together with Paul Kennedy, an evidence collector for the Zondo Commission and an Acting Judge in the Gauteng Division. After his arrest but before the trial, Kennedy committed suicide.

The accused was convicted on 740 counts of rape, grooming, creating, procuring, possessing and distributing child pornography, trafficking in persons, benefitting from the services of a child victim of trafficking, facilitating trafficking in persons, offences under Chapter 2 of the Prevention and Combating of Trafficking in Persons Act, 7 of 2013 and attempted murder relating to five of the underage boys. The attempted murder convictions stemmed the accused handing the children to Kennedy for sexual acts while knowing that Kennedy was HIV positive.

The accused was sentenced to the following: 25 years' imprisonment on 253 counts of unlawful possession of child pornography; 25 years' imprisonment on 382 further counts of possession of child pornography; four years' imprisonment on five counts of creating child pornography; five life sentences on charges of trafficking in persons; 10 years per count of rape and sexual assault; five years per count of benefitting from the services of a child victim of trafficking.

Regional Court Prosecutor  
Chane Rothman

### State v Zion Christian Church pastor (Mpumalanga)

The accused and the 15-year-old victim lived in the same area and attended the same church. The rapes happened between July and September 2020. In one incident, the accused came to the victim's house and sent the victim's brother to the nearby

shop to buy tea. When he returned, he found the victim and the accused naked in their mother's bedroom. The accused gave the victim's brother R50 and asked him not to report the matter.

In a second incident, the victim was on her way to meet her sister when the accused called her to his house. Once inside the house, the accused locked the door and raped her. The matter was reported, and the victim was taken to Ermelo TCC for medical examination, counselling and psychosocial support.

The accused denied the allegations against him but the Ermelo Regional Court convicted the accused and sentenced him to two life terms for rape. The magistrate found no compelling and substantial reason to deviate from the minimum sentence.

Regional Court Prosecutor  
Lisa Abrahams

### State v Accused (KwaZulu- Natal)

A 12-year-old child lived with her family in a rented room on the accused's property. In February 2022, he raped the child

on three different occasions when her mother sent her to get items from their shared space. The girl did not report the rapes to anyone but her schoolteacher noticed a change in her demeanor and asked her what was wrong. The girl told her what the man was doing. The girl's parents were advised and the police were called in. The girl was taken to the Phoenix TCC where she received medical and psychosocial assistance.

The Ntuzuma Regional Court sentenced the accused to three terms of life imprisonment.

## Performance information – continued

### GENDER-BASED VIOLENCE AND FEMICIDE



Adv. Riekie Krause

#### State v Johannes Ontsheketshe Tshabile (North West)

Between December 2012 and May 2018, about 40 complainants were attacked by an unknown man in the Wolmaranstad area. Evidence was collected when the complainants were examined

by medical professionals. A DNA profile derived from the evidence matched DNA reference samples taken from the accused.

The accused was sentenced to 11 life terms for rape and a cumulative 363 years for other serious charges, including nine other charges of rape, attempted murder, theft and robbery with aggravating circumstances. The accused was on the list of the most wanted criminals in the North West.



Adv. MM Moroka

#### State v Phara and Two Others (Free State)

The deceased, Nini Pule, and her three-year-old son stayed in Hennenman with the deceased's mother. The deceased had a family funeral policy at Old Mutual and her boyfriend, Malefetsane Mpotle, was the beneficiary. Mpotle approached 'Gift' and accused 1 to kill the deceased. On 12 May 2021, the accused staged a hijacking, fatally stabbing and slitting the deceased's throat while Mpotle and her son were in the car.

The High Court sentenced the three accused to two life sentences and 79 years' imprisonment.

The High Court sentenced the three accused to two life sentences and 79 years' imprisonment.



Adv. Ruwayda Badrudien

#### State v Mr X (Western Cape)

The accused raped a seven-year-old victim as she lay on the couch watching television. She did not tell anyone what had happened as she saw him as her uncle. A few weeks later, she was taken to a local clinic as she was feeling unwell. The medical examination revealed that she had sexually transmitted diseases, but the HIV test came back negative. She still did not reveal what had happened to her. When she was tested a few weeks later, the HIV test came back positive.

There was no DNA as the incident was reported after the 72-hour window period and therefore no exhibits could be obtained. The accused's initial version to his attorney was that he was gay and therefore could not have raped the child. He subsequently indicated that if the State could prove that the HIV strain that the child contracted was the same as he had, he would plead guilty. A forensic virologist at Groote Schuur Hospital did the analysis and the final results came back a match.

The Cape Town Regional Court convicted the accused of rape and attempted murder after finding that he knowingly transmitted life-threatening HIV to the victim during unprotected sexual penetration. The accused was sentenced to life imprisonment for the rape and 10 years' direct imprisonment for attempted murder. The court ordered the sentences to run concurrently. It also ordered his name be entered into the National Register of Sex Offenders and the National Child Protection Register and prohibited him from working with vulnerable groups and children or applying to adopt a child or be a foster parent. It also declared him unfit to possess a firearm. He must inform future employers of the sentence and the orders handed down by the court.

The accused is not named as he is related to the victim and the State wants to avoid indirectly identifying the victim and secondary victimisation.



Adv. Mary-Ann Englebrecht

### State v Mondzinger (Northern Cape)

Thys Mondzinger and the deceased, Petunia Rooi, were in a relationship. They attended court on 4 May 2022, during which the accused wanted the deceased to withdraw a case against him. The State prosecutor refused to withdraw the case due to the

seriousness of the matter. The accused later encountered the deceased while she was walking with her ex-boyfriend, and stabbed her 28 times. The deceased died as a result of blood loss from a stab wound to her neck.

This incident, which occurred in full view of nine witnesses, was reported to the police. The accused showed the police where he had left her body the following day. He was arrested and charged with two counts of murder, for Rooi and her unborn child.

Through a Victim Impact Statement prepared with the assistance of the CPO, the victim's 18-year-old daughter testified about the impact of her mother's passing on her and her four siblings. The Upington CPO rendered invaluable assistance with the preparation of all the State witnesses, including one elderly witness.

The Northern Cape Division of the High Court sitting in Upington convicted Mondzinger and sentenced him to life imprisonment. The accused was also charged with contravening a protection order that was in effect at the time of the incident, although the contravention was in respect of an incident a year before the deceased's death.



Adv. Ismart Cerfontein

### State v Rezaan Fondling (Eastern Cape)

The accused and the deceased were married and expecting a child. On 5 April 2019, the deceased was granted a protection order against the accused as a result of the emotional and

physical abuse she had suffered since the beginning of the marriage. The deceased worked in the legal fraternity.

On 18 December 2020, the accused drove the deceased towards Jeffreys Bay. He stopped the vehicle on the N2 near Mondplaas and stabbed her multiple times as she tried to leave the vehicle. The deceased was 8 months pregnant at the time. The accused moved the deceased's body down the embankment next to the road. He staged a robbery by opening the boot of the vehicle, scattering bottles of oil on the road and sitting next to the body of the pregnant deceased. When Nolan Van Eyk came across the scene, the accused reported that they had been hijacked and the hijackers had stabbed the deceased.

The accused was convicted of contravening a protection order, murder, attempted murder and defeating the ends of justice in the High Court. He was sentenced to 23 years for murder and three years for defeating the ends of justice.



Adv. Rene Uys

### State v Leonard Mzingeli (Western Cape)

The accused, a friend of friends of the deceased, was the last person to see 17-year-old Amahle Quku alive before she was raped and murdered. Following a public outcry, a photo of the accused was posted on social media. He admitted to killing but not raping her, a claim that was refuted by expert medical evidence.

A surviving complainant, who survived rape and being stabbed over 20 times in October 2019, identified her assailant from photographs of the accused being circulated on social media. The accused, who was known to the complainant as living in the same area, had attacked her from behind in a passage. The complainant needed counselling and intense court preparation from the CPO to prepare her for giving evidence. She is still receiving

counselling to help her cope with the events of that night. Her physical injuries are clearly visible and has made it impossible for her to find employment.

The accused was found guilty of murder, two charges of rape and attempted murder and was sentenced to life imprisonment.

## Performance information – continued

Table 8: Conviction rates for femicide, intimate partner femicide and sexual offences, 2019/20 – 2023/24

Strategic objective	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in femicide prosecutions	N/A	94.3% = 231/245	94.3% = 396/420	91.9% = 475/517	<b>91.7% = 511/557</b>
Conviction rate in intimate partner femicide prosecutions	N/A	93.1% = 190/204	93.8% = 316/337	92.2% = 356/386	<b>93.3% = 375/402</b>
Conviction rate in sexual offences	75.2% = 4 098/5 451	75.8% = 2 539/3 349	74.2% = 3 402/4 584	74.9% = 3451/4606	<b>72.3% = 3 813/5 276</b>

### Organised crime

In the Global Organised Crime Index for 2023, South Africa was ranked 7 of 193 countries for the second consecutive year – deteriorating from the previous ranking of 19. The ranking considers all aspects of organised crime, including human trafficking, illegal trade (including arms and ammunition), environmental crimes, drugs and criminal groups or gangs.



Figure 11: South Africa in the 2023 Global Organised Crime Index





Traditional organised crime – such as illicit firearms and environmental crime – has been surpassed by illicit mining, theft of fuel from underground pipelines and damage to essential infrastructure (particularly related to copper theft). These factors contribute to load shedding and impact households daily. Extortion at construction sites, kidnapping for ransom, organised robbery and illicit drug trafficking are also on the increase. Addressing cybercrime, especially where the perpetrators are outside South Africa's borders, is particularly challenging and requires the assistance of international counterparts.

Table 9: Convictions for some organised crime types, 2019/20 – 2023/24

Strategic objective	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in organised crime	95.3% = 242/254	92.5% = 173/187	95.9% = 185/193	94.4% = 221/234	<b>93.4% = 267/286</b>
Conviction rate in environmental crimes	97.1% = 857/883	96.8% = 722/746	97.1% = 702/723	96.0% = 786/819	<b>96.7% = 926/958</b>
Conviction rate in cybercrime prosecutions	98.5% = 320/325	98.9% = 88/89	97.4% = 149/153	92.9% = 39/42	<b>96.5% = 55/57</b>
Conviction rate in essential infrastructure prosecutions	82.6% = 289/350	88.7% = 243/274	83.7% = 416/497	79.9% = 533/667	<b>77.5% = 634/818</b>
Conviction rate in cable theft	N/A	81.5% = 119/146	91.9% = 193/210	85.7% = 294/343	<b>84.1% = 427/508</b>

\* In previous years, the indicator included copper theft and cable theft. Essential infrastructure offences increased from 667 verdicts in 2022/23 to 803 in 2023/24.

Organised crime cases usually include multiple accused and involve multiple charges.

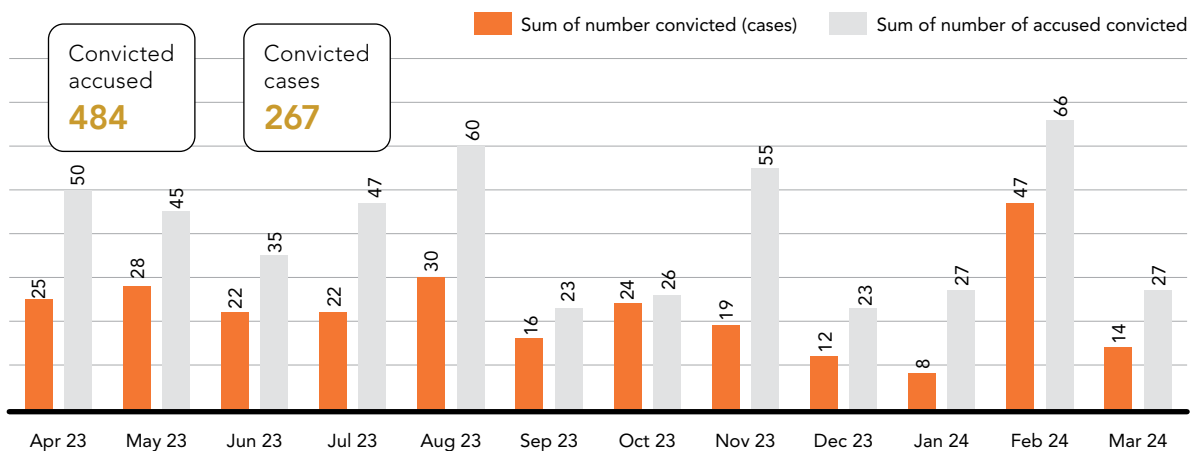


Figure 12: Number of organised crime cases and accused, April 2023 – March 2024

The increase in the number of convictions achieved for illegal mining during the financial year (from 455 to 903 cases) is a result of various SAPS' operations.

## Performance information – continued

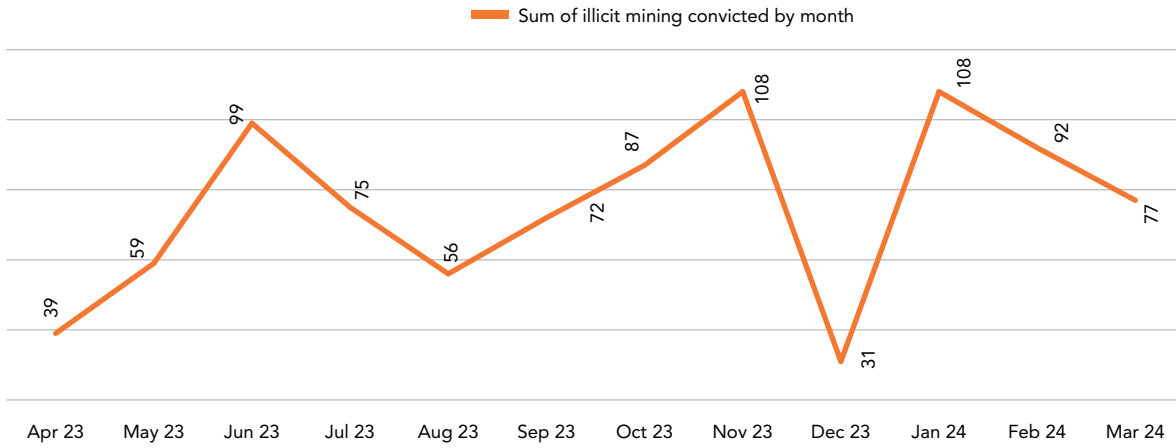


Figure 13: Convictions for illegal mining, April 2023 – March 2024

### Complex commercial crime

With the assistance of the Chief Justice and the DoJ&CD’s Capacity Enhancement Committee, the SCCU set up dedicated serious commercial crime courts (SCCCs) in regions that did not have such courts. There are currently 22 SCCC’s throughout the country.

The additional SCCC’s allowed the NPA to focus on backlog cases resulting in a 23% decrease (from 1 161 to 894). The outstanding roll also decreased by 13.7% (from 1 656 to 1 429) from the end of 2020 to the end of the 2023/24 financial year.

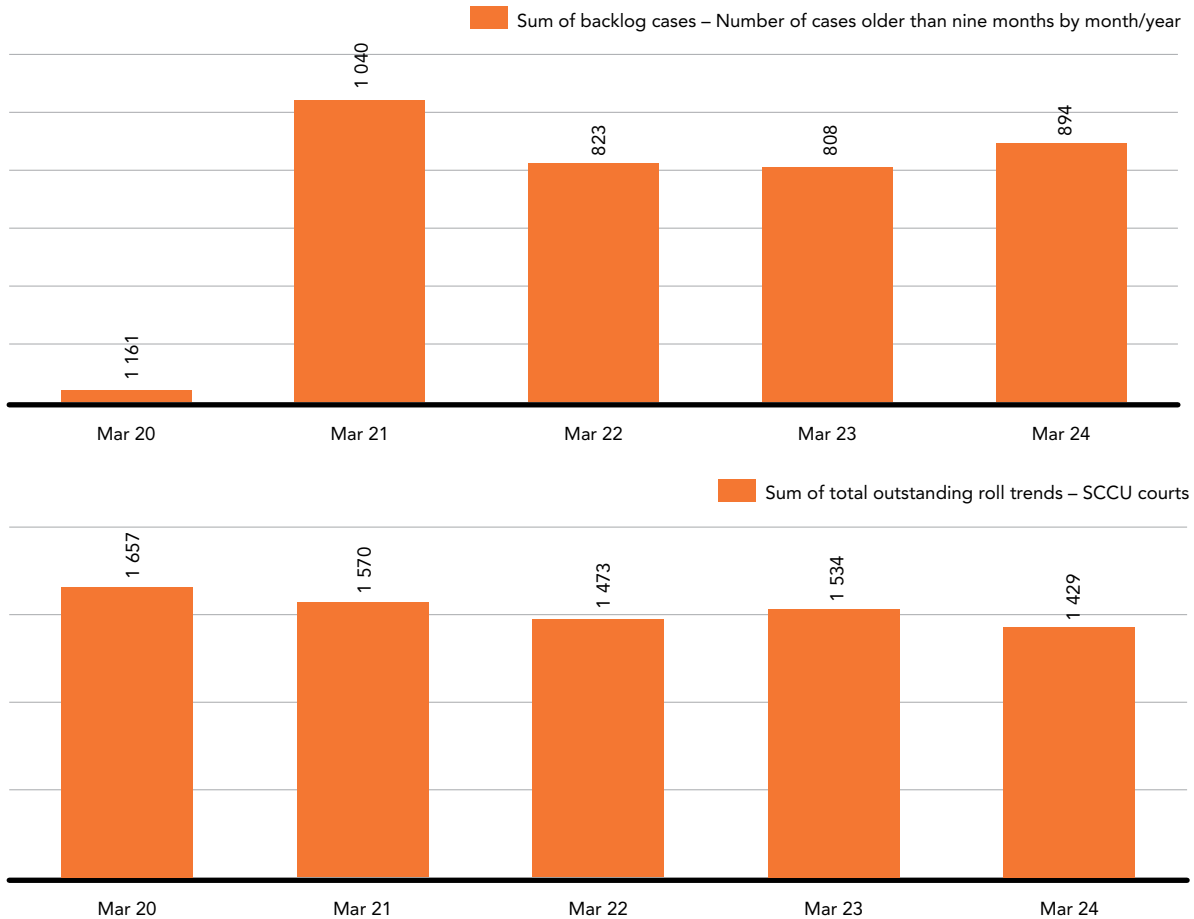


Figure 14: Decrease in backlog cases, 2020 – 2024

The focus on older cases had a negative impact on the conviction rate as there were challenges with some of these cases. However, the additional courts did result in a 5.8% increase in the number of cases finalised, from 344 to 364.

Table 10: Conviction rate in complex commercial crime, 2018/19 – 2023/24

Output indicator	Past performance					Current performance
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Conviction rate in complex commercial crime	95%	92.3%	90.2%	90.5%	87.1%	<b>89.5%</b>
	(760)	(599)	(277)	(344)	(364)	<b>(333)</b>

## Communications

Media coverage was enhanced by staff in the various divisions communicating with their internal and regional communication representatives, as well as the use of digital communication platforms. Performance reports over the past year have been shared via online platforms where collaboration and sharing performance information was enhanced.

## Representations and complaints

The NDPP delegated the powers, duties or functions as envisaged in Section 22(2)(c) of the NPA Act to the DNDPP: NPS. Only sensitive or contentious matters are reviewed by the NDPP.

A total of 1 160 representations files were opened during the 2023/24 financial year. Of these, 834 files were finalised, with 326 files pending as of 31 March 2024.

The component reviewed 136 matters relating to general prosecutions and two matters relating to the TRC in terms of section 179(5)(d) of the Constitution. The decision of the DPP was overturned or not confirmed in nine instances (6.6%). Three matters were escalated to the NDPP for review.

Table 11: Reviews by DNDPP: NPS relating to the specialist components

Component	Number of reviews	Number escalated to NDPP	Number of decisions overturned	% of decisions overturned
STU	9	0	1	11%
SCCU	37	4	0	0
OCC	10	0	0	0
SOCA	53	0	4	7.5%
PCLU	0	0	0	0

The DNDPP: NPS authorised 25 applications for centralisation in terms of Section 22(3) of the NPA Act read with Section 111 of the CPA.

## Performance information – continued

### GANG-RELATED CRIMES



Adv. CJ Dejongh

#### State v Roswell Diedericks and five others (Western Cape)

The accused were members of 'The Firm Boys', a criminal gang with members residing in or frequenting Mitchell's Plain in the Western Cape.

The accused, individually or collectively, participated in several offences related to ongoing battles with the 'Americans' and 'Hard

Living's' criminal gangs, all of which operate in the Mitchells Plain area. The battles are related to drugs, drug trafficking and territorial dominance.

A member of the 'Americans' and a member of the 'Hard Living's' were shot and killed in gang fights with the 'Firm Boys'.

The accused were convicted of multiple counts including, among others, gang-related charges in terms of POCA, drug related charges and two counts of murder. They were sentenced to an effective 25 years' imprisonment.



Adv. Moegamat Sandan

#### State v W Petersen and others (Eastern Cape)

On 14 September 2015, accused from different gangs acting under the leadership of Wendell Peterson (the leader of the Dustlifes gang) gunned down Theodore Mathews, Rajen Naidoo and Jermaine Essau, all in different locations. All three deceased were seen as

competition and had a price on their heads.

The State led evidence obtained in terms of the authorised interception of communications of the accused. One witness, offered indemnity in terms of section 204 of the CPA, gave evidence explaining the inner workings of the gangs and the codes of silence that exist among them. The witness was discharged from prosecution after testifying honestly.

Several threats were made against the prosecution team, their family members, the judge and a witness. The witness was placed on the witness protection programme and protection was provided to the prosecution team and judge. Tactical Response Team (TRT) members escorted the prosecution team, judge and accused to and from court. There was a heavily armed TRT presence in court throughout the trial proceedings.

The trial lasted five years, with extensive collaboration between SAPS Crime Intelligence (CI), the detectives from the Gang Unit and the prosecution to piece together little bits of evidence that showed the web of

gang activity of the various accused and the clandestine way they operated in the Northern areas.

The accused – Peterson, Glynn Carelson, Robin Taylor, Morne Nel and Jermaine Mitchell – were convicted of three counts of murder, contraventions of section 9 of POCA and unlawful possession of firearms and ammunition. They brought several applications to delay sentencing but were finally sentenced a year later to three life terms and 50 years' imprisonment.

Gang prosecutions is a priority focus area in the Eastern Cape Division. This case was impactful to the community of the northern areas as Peterson was a gang kingpin and the mastermind behind the murders. Peterson evaded justice for more than 10 years – every docket opened against him was closed because witnesses were threatened, executed or turned defence witness. Both youth and adults in the community looked up to him. He took care of many households, bought the teenagers shoes and clothes, and eventually groomed them into gang life. By buying the loyalty of a poor community who believed he was an untouchable, he was able to gain more territory and control in the northern areas. Every crime scene in which he was involved was compromised because children and teenagers would, for example, pick up the cartridges after a shooting. Bringing down Peterson sent a message to the community, and the teenagers who regarded Peterson as their role model, that the law would eventually catch up with them and that involvement in gangsterism would either kill them or land them in jail.

## ORGANISED CRIME: SYNDICATES



Adv. Themba Mavundza

### State v N Mathebula (Mpumalanga)

Mathebula was part of a syndicate that sold South African passports to foreign nationals. He was stationed at a Home Affairs office in Mpumalanga and would process illegal immigrants using the identities of South African citizens. These applications would usually be administered late at night, in the very early hours of the morning and even when the accused was on leave. He would be paid between R1 000 and R5 000 per application. One of the accused's clients, who wanted to be assisted with a fake passport, mistook his Home Affairs colleague for him and the matter was reported to the Hawks. An investigation ensued, leading to the accused's arrest.

The Nelspruit Commercial Crimes Court convicted the accused on 12 counts of corruption and 13 counts related to violations of the Immigration Act. He was sentenced to 10 years' imprisonment. He was also ordered to pay back the kickbacks he received.



Adv. Molatlhwa Mashuga

### State v Fourie and Five Others (Gauteng: Pretoria)

Fourie, a supervisor at SVB cash management, and two other accused conspired to give a syndicate information on the routes a cash van transporting a large sum of money would be taking while delivering cash to various clients. Two of the accused were in the vehicle when the robbery took place. The syndicate bombed the cash van

using explosives, causing substantial damage to the vehicle, and attempted to steal approximately R25m. The suspects were heavily armed with high calibre firearms, ammunition and explosives.

The accused were found guilty on all counts and sentenced to 30 years' imprisonment each.



Adv. Buks Coetzee

### State v Chitiyo and Five Others (Eastern Cape)

The six accused travelled from East London to Makhanda in two vehicles, one towing the other. When stopped by the police, a search of the vehicle revealed a dismantled firearm, ammunition, a silencer hidden in the tail gate of one vehicle and a large axe in the other. There were no rhino horns so DNA could not be requested, and no other telltale poaching equipment was found. However, through cell phone activity, members of the group could be linked to the scenes of nine poaching incidents in the Eastern Cape, and ballistic evidence linked the rifle to three of the scenes. Since their arrest, there have been no more rhino-poaching incidents in the Eastern Cape.

The accused were convicted of conspiracy to commit rhino poaching and the unlawful possession of a hunting rifle and ammunition and sentenced to periods of imprisonment ranging from 15 to 20 years.

## ORGANISED CRIME: DRUGS



Adv. Aradhana Heeramun

### State v Fadwaan Murphy and Six Others (Western Cape)

The notorious drug kingpin, Fadwaan 'Vet' Murphy, ran a criminal enterprise that ravaged the Cape Flats with tik. His company was a front to conceal his drug dealing and money laundering. He used company monies to buy himself a five-bedroom house in Parklands and various other properties in the Western Cape. He and his ex-spouse conducted their criminal activities with no regard for the law, aiming to enrich themselves while dismissing the interests of the community and people's lives.

Murphy was convicted on 197 counts and sentenced to 18 years' imprisonment and a fine of R2m. His ex-spouse was sentenced to 15 years' imprisonment for managing an enterprise through a pattern of racketeering.

## Performance information – continued

### Truth and Reconciliation Commission Component

On 7 September 2021, a separate component was created within NPS to deal with matters emanating from the TRC.

Sixteen dedicated TRC prosecutors in the regional offices guide investigations and oversee 159 matters identified for investigation. Thirty-four dedicated TRC investigators from DPCI are investigating 137 matters.

Currently, 21 matters have been finalised with a decision.

#### Re-opened inquests

The following inquests have been re-opened:

- **Neil Hudson Aggett** – new evidence was placed before the South Gauteng High Court and, on 4 March 2022, Judge Makhume overturned the original finding of suicide to murder by members of the security branch.
- **Ernest Moab Dipale** – on 15 July 2023, Judge Makhume overturned the original inquest finding of suicide to murder.
- **Hoosen Mia Haffejee** – the initial inquest found that the 26-year-old dentist had committed suicide in his Brighton Beach Police Station cell on 3 August 1977, 20 hours after being taken into custody by members of the security branch. On 13 September 2023, Judge ZP Nkosi overturned the original inquest finding to murder.
- **Abdullah Haron** – the inquest held in 1970 found that his death in police detention after allegedly falling down a staircase was accidental. On 9 October 2023, Judge Thulare overturned the original inquest finding to death attributable to torture brought about by members of the security branch.

These matters are currently being considered by the relevant DPPs to determine the prospects of successfully prosecuting a person or persons. The prosecution is complicated by the time that has elapsed since the events occurred and the availability of witnesses.

The following inquests are expected to commence this year:

- **The Cradock Four** – on 27 June 1985, Fort Calata, Matthew Goniwe, Sicelo Mhlauli and Sparrow Mkhonto were abducted, assaulted and murdered on their way to Cradock. All four deceased were activists and educators. The first inquest held in 1987 found that they were killed by unknown persons. A second inquest was held in 1993 after new evidence emerged regarding a signal that had been sent calling for their ‘permanent removal from society’. The second inquest court found that the deceased had been killed by the police but stopped short of naming the suspects. On 5 January 2024, the Minister announced that the inquests into the deaths of the Cradock Four would be re-opened.
- **Highgate Hotel** – this massacre took place in 1993 in East London, where a shooting at the hotel claimed five lives and left several others gravely injured. No inquest into the deaths was held.
- **North Crest Five** – on 8 October 1993, five teenagers, including two 12-year-old children, were shot dead as they lay sleeping in their homes in Umtata by members of the South African Defence Force who believed that the home was an arms storage facility for a political organisation. No inquest into their deaths was held.

#### Prosecutions

On 13 November 2023, Wesley Madonsela was sentenced to 10 years’ direct imprisonment for the February 1989 murder of 17-year-old Sipelele Nxumalo, a United Democratic Front activist, in Chesterville, Durban. Madonsela was part of the A-Team that worked with the security branch.

Several other matters are being prosecuted but have not yet been finalised:

- **Nokuthula Simelane** – an uMkhonto weSizwe operative and courier who was abducted in September 1983 by members of the security branch. Her body has never been recovered. Of the four police members who were arrested and charged, two have passed away and the remaining two are appearing in the North Gauteng High Court.

- **Caiphus Nyoka** – a student activist from Daveyton who was shot dead after an alleged altercation with the police at his home in August 1987. Three police members have been charged with his murder and are appearing at the North Gauteng High Court.
- **Congress of South African Students** – on 15 February 1984, four students were lured by members of the security branch to a pumphouse laden with explosives. Once inside, the explosives were detonated. Three students were killed. Two police members were charged and are currently appearing before the South Gauteng High Court.

Several indictments are also set to be served during the coming year. Other matters emanating from the TRC have been identified to be re-opened for investigation.

### Missing Persons Task Team

The MPTT continued with its mandate of establishing the whereabouts of those who disappeared during the period covered by the TRC, and recovering their remains where possible.

### Gallows Exhumation Project

The MPTT continued to work on the Gallows Exhumation Project in partnership with the TRC Component and DoJ&CD.

The remains of hanged Pan Africanist Congress (PAC) member Cylon Mabaso, recovered by the MPTT, were officially handed over to his family in Soweto on 27 October 2023. The remains of hanged PAC member Isaac Mashigo were handed to his family in Wolmarans on 24 November 2023. Both were hosted by the Deputy Minister of Justice and Constitutional Development (hereafter Deputy Minister).

The last eight graves of political prisoners who were sentenced to death and executed were identified. The affected families are being prepared for the exhumation and recovery of the political prisoners' remains. A date for exhumation is awaiting confirmation.

### Exile Repatriation Project

The MPTT also began working on the Exile Repatriation Project in earnest. The Project has six phases, with Phases 1 and 2 underway. The

Department of Sport, Arts and Culture leads the project with its newly established Repatriation and Restitution Office in the South African Heritage Resources Agency, but the MPTT is a key implementation partner. The Inter-Departmental Implementation Plan was approved by Cabinet in 2023.

The project aims to recover the remains of those who died or disappeared in exile. This group, driven from their homes by political repression, constitutes the last cluster of casualties from past conflicts. A number of missing persons are among them.

The MPTT compiled database spreadsheets for each country (Zambia, Zimbabwe, Tanzania, Angola, Botswana, Lesotho, eSwatini and Uganda) with the names and information of those believed to have died or disappeared there. The MPTT is also tracing the families and obtaining consent forms and DNA swabs where required.

In June 2023, MPTT members travelled to Maseru, Lesotho, and surrounds to evaluate and map several grave sites, including those of nine persons killed in the December 1985 Maseru raid and 42 persons killed in the December 1982 Maseru raid.

In November 2023, the MPTT formed part of a delegation to Zambia to conduct grave mapping. Some 44 graves were identified in Lusaka and Livingstone and mapped for exhumation in 2024. These include the graves of Duma Nokwe and Florence Mophosho, whose repatriation was announced by President Ramaphosa in his February 2020 State of the Nation address. Implementation was delayed due to COVID-19 restrictions. The identified graves also include that of Adolphus Mvemve (aka John Dube), an exiled member of the African National Congress' National Executive Committee, who was killed in Lusaka in February 1974 by a parcel bomb sent by the South African Security Police.

The MPTT also conducted grave mapping of deceased exiles in Harare and Bulawayo, Zimbabwe. Twenty-three graves were located, including graves of three missing uMkhonto weSizwe members who disappeared (believed killed) in the African National Congress' Wankie (Hwange) campaign in 1967.

## Performance information – continued



### Assistance with TRC prosecutions

The MPTT also provided research assistance and documentation to the TRC Component and DPCI, as well as helping to trace families. Assistance was also provided with DNA sampling and processing. The MPTT assisted with the exhumation and forensic examination of remains believed to be those of Thabo Mosala, who died in detention in 1976 and was reportedly buried in the Matatiele area of the Eastern Cape.

### Key partnerships

The MPTT continues key partnerships with government, non-governmental organisations (NGOs) and university research organisations.

State structures:

- TRC Unit in the DoJ&CD
- Department of Correctional Services
- Department of Sport, Arts and Culture – the MPTT Director serves as a member of the Ministerial Advisory Committee on Repatriation
- South African Heritage Resources Agency, particularly the Repatriation and Restitution Office

- Department of Military Veterans
- National Archives
- DPCI and local police stations
- Forensic Pathology Services in the Department of Health
- City of Ekurhuleni (secondment of two officers) and other local municipalities
- Freedom Park – the MPTT Head serves on its University Names Verification Committee for the Wall of Remembrance.

NGOs:

- International Committee of the Red Cross/Red Crescent
- Argentine Forensic Anthropology Team
- Foundation for Forensic Anthropology in Guatemala

Universities:

- Most notably, the MPTT has a strategic partnership with the Forensic History Project in the History Department at the University of the Western Cape.



### Notable work



Adv. Deidre Julius and Adv. Lifa Matyobeni,  
Western Cape TRC prosecutors

The remains of nine of the Mamelodi 10 were located by the MPTT in 2005 but the tenth victim could not be found at that time. Following a more recent mapping process using a drone, the remains of the tenth victim were found in Winterveldt. The handover of this final victim to the families was conducted by the Minister and the NDPP on 29 September 2023. The remains were reburied by the families alongside the other nine deceased.

The MPTT conducted a search for the burial site of PAC member Bellington Mampe, who died in detention in a Worcester prison in 1963. Due to the absence of any records for and markings in the Worcester cemetery, a Symbolic Reburial (spiritual repatriation) was conducted at the hospital prison where he died. The Symbolic Reburial took place on 25 August 2023 in the presence of Mampe's family and PAC members. The event was hosted by the Deputy Minister and the TRC Unit in DoJ&CD. The DPP Western Cape assisted in organising the event.

On 28 July 2023, a Symbolic Reburial was also conducted with the families of Mamelodi activists Matthews Lerutla, Jeffrey Sibiya, Oupa

Jan Mohale and Samuel Ledwaba. All four deceased had been abducted from Mamelodi and killed by the Northern Transvaal Security Police in 1986 and 1987. The MPTT was unable to recover their remains but located the sites in the former Bophuthatswana where their bodies had been blown up or burnt by the Security Police. The families conducted rituals at these sites and were then hosted by the Minister at Freedom Park.

The MPTT conducted searches at multiple locations in KZN for the burial or disposal sites of missing activists believed to have been abducted and killed by the Port Natal Security Police in the mid to late 1980s. Similarly, the MPTT reviewed records and sites in the Matatiele area of the Eastern Cape in search of missing uMkhonto weSizwe member Mvula Ceku. Several possible graves were identified for further examination.

The MPTT also conducted two sets of excavations at Rebecca Street cemetery at the request of the Okhahlamba Municipality in KZN in search of the remains of 22 residents sentenced to death and executed on the Pretoria Central Prison gallows. The search for the correct burial sites is ongoing.

The MPTT, together with the TRC Unit in the DoJ&CD, also conducted research and investigation into the fate and burial site of an identified TRC victim who was shot dead by police in Knysna in 1986 during protests in the area. Preparations for recovery are at an advanced stage.

## Performance information – continued

### Specialised Commercial Crime Unit

#### Key achievements

The SCCU is responsible for the prosecution of serious and complex commercial crime. The SCCU has a national footprint, with access to 22 SCCCs across all the divisions.

The SCCU established an advisory panel in March 2022 to: provide advice, make suggestions and offer guidance on complex commercial crime or corruption cases presented by prosecutors and investigators. Since its inception, guidance has been offered in 21 cases.

In November 2023, the OECD held its Phase 3 evaluation in France, where the country was represented by the SCCU and the DPCI. The joint presentation convinced the WGB to move South Africa from Phase 3 to Phase 4 after 10 years in Phase 3.

A key focus area for the FATF is a country's ability to demonstrate a sustained increase in the investigation and prosecution of serious and complex money laundering cases and, in particular, cases involving professional money laundering networks/enablers and third-party money laundering in line with its risk profile. The SCCU has continued to finalise most money laundering cases within the NPA.

MK Malapane, SCCU Regional Head in Mpumalanga, was nominated for and is participating in the intergovernmental team of the UN Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. She spearheads the initiative from the SCCU cyber desk, given the myriad responsibilities of the NPA in implementing the Cybercrimes Act.

#### Key challenges

The SCCU has inadequate staff capacity at the Head Office. With three DDPP positions vacant, the remaining DDPP is responsible for the management and operations of the entire unit, coupled with assisting the SDPP in strategy development.

In 2022, the SCCU intake criteria was drastically overhauled to exclude low to medium complexity commercial matters, but complex commercial

matters take longer to finalise. An associated challenge is insufficient dedicated courts to timeously hear and adjudicate matters. Austerity measures prevented the expansion of dedicated SCCCs. With the current fiscal constraints, this will probably remain the same over the medium term.

#### Stakeholder engagements

The SCCU engages with external stakeholders on a national, regional and international basis regarding matters of mutual interest. These ongoing engagements assist the SCCU to keep up with evolving commercial crime trends.

The SCCU enjoys a well-established working relationship with the DPCI as a key stakeholder with a mandate aligned to the SCCU's. This collaboration is enhanced by the co-location of members of the DPCI at the NPA Head Office.

Another strategic stakeholder is the FIC. With financial investigations at the centre of commercial crime, financial intelligence is integral to the work of the SCCU.

Together with other state departments, the FIC and the NPA (SCCU, AFU, STU and now PCLU) formed a Fusion Centre, which has proved to be a valuable tool and model for collaboration. Over the past two years, collaboration between the SCCU and the Fusion Centre became key in addressing fraud and corruption related to the Unemployment Insurance Fund/Temporary Employee Relief Scheme, Personal Protective Equipment and matters arising from the COVID-19 pandemic. Most of these cases were successfully finalised with guilty verdicts, compensation orders and direct terms of imprisonment. In addition, R1.8bn has been preserved or recovered. The mandate of the Fusion Centre has been rebranded to include money laundering and terror financing investigations.

In December 2023, the FIC launched the Forensic Enhancement Project, which will assist the SCCU by conducting forensic analysis on selected matters at no cost to the DPCI or NPA.

In December 2022, an MoU between the NPA, SIU and SAPS was concluded to share resources and establish a working methodology in connection with cases referred by the SIU. The SCCU handles most matters referred to the NPA by the SIU.

### Use of electronic systems and digitisation

The SCCCs are all equipped with smart audio-visual systems that enable testimony to be presented virtually.

The Steinhoff investigation, located in the SCCU Pretoria and guided by two seasoned advocates, has attracted international and national media attention. Despite the key suspect's suicide, the co-conspirators in the matter were arrested and have appeared in court. The prosecution team submitted a proposal for the NPA to procure an advanced system that would be able to locate all the exhibits and file them in chronological order during the trial, to assist in the matter's prosecution.

### Capacity

The total establishment on 1 April 2023 was 275 with a vacancy rate of 17%. The total establishment on 31 March 2024 was 282 with a vacancy rate of 15%.

### Training

In 2023, the SCCU Training Forum was established to ensure that the SCCU's specialist training needs were addressed. There was a focus on money laundering and cybercrime in 2023/24.

The money laundering training assisted with addressing the FATF immediate outcomes, specifically Immediate Outcome (IO) 7. IO7 states that South Africa should demonstrate a sustained increase in the investigation and prosecution of serious and complex money laundering cases, particularly those involving professional money laundering networks/enablers and third-party money laundering in line with its risk profile. The training was aimed at assisting prosecutors to adequately identify and prosecute money laundering cases instead of concentrating on predicate offences. The training has yielded an increase in the number of money laundering cases enrolled. To ensure that South Africa is removed from FATF's grey list, training on money laundering continues to be a priority for the SCCU in the 2024/25 financial year.

Joint training initiatives on cybercrime are aimed at ensuring that prosecutors and members of the SAPS are equipped with the necessary knowledge on how to identify and prosecute offences in terms of the new Cybercrime Act. These joint training initiatives have

contributed to the improvement of the conviction rate in cybercrime cases within the SCCU.

In a demonstration of doing more with less, the SCCU adopted a train-the-trainer model – officials undergoing training are expected to train the staff in their offices. This model has made it possible for more prosecutors within the SCCU to be trained and contributes to the continuous improvement of the skills of SCCU prosecutors in dealing with complex commercial crime.

### Budget

While the budget of the SCCU is ringfenced, allocation is inadequate in certain areas. In some regions, where budgets are aligned to their establishment, good performance can be seen.

### Priority Crimes Litigation Unit

The PCLU is a specialised unit within the NPS. The PCLU renders the necessary coordination, guidance and support to the prosecution of terrorism, terror financing, contraventions of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 33 of 2004, high treason, sedition, crimes contemplated under the implementation of the Rome Statute of the International Criminal Court Act, 27 of 2002, and other serious national and international crimes related to mercenaries, the proliferation of weapons of mass destruction, arms control and nuclear material. The PCLU also facilitates requests for an authorisation by the NDPP for the institution of a prosecution, as may be required by legislation falling within its mandate.



## Performance information – continued

### Key achievements and challenges

One of the areas assessed by the FATF is whether South Africa is adhering to global standards and can demonstrate that it can effectively identify, investigate and prosecute terror financing activities.

The FATF identified the need for South Africa to review and update its Terror Financing National Risk Assessment (TFNRA), develop a comprehensive national strategy for Combatting the Financing of Terrorism (CFT) based on the TFNRA and to implement the CFT strategy.

The PCLU was instrumental in updating the TFNRA as part of the anti-money laundering/CFT National Risk Assessment Inter-Departmental Working Group. This involved a range of stakeholders as part of the Working Group and a multitude of key authorities across operational, policy and supervisory functions, including government departments, law enforcement authorities, intelligence agencies, financial and non-financial supervisors and regulators. The PCLU also contributed to the work of the Steering Committee for the Review of the National Counter-Terrorism Strategy (NCTS), which involved updating the NCTS to reflect the findings of the updated TFNRA. The National CFT Strategy is incorporated into the overall NCTS.

A further action identified by the FATF was for South Africa to enhance the capacity of relevant authorities, including the SAPS and NPA, to effectively address the financing of terrorism. This included training, personnel and financial resources.

In April 2019, the NDPP decentralised prosecutions from the few prosecutors at the National Office to the nine DPP offices, effectively increasing the number of prosecutors who can deal with terrorism and terror financing. The prosecutors at a regional level are attached to the OCCs. There are currently 31 staff in the NPA who deal with PCLU matters.

Extensive joint training was conducted, including on the latest amendments made to the Protection of Constitutional Democracy Against Terrorist and Related Activities Act. A specific training workshop was held in July 2023 for prosecutors identified to become specialist terrorism and terror financing prosecutors.

Guidelines on terror financing investigations were provided to relevant prosecutors in the regions and shared with their counterparts in the DPCI. The

PCLU has initiated a 'panel intervention' to monitor and provide guidance on current terror financing matters in the respective provinces.

### Stakeholder engagements

The PCLU works very closely with departments and agencies such as the FIC, State Security Agency (SSA), SAPS CI, Defence Intelligence, INTERPOL, DPCI: Crimes Against the State (CATS), DPCI: Priority Crime Management Centre, DPCI: Priority Crime Specialised Investigation (PCSI), Department of Home Affairs and Department of Social Development.

The following stakeholder engagements, *inter alia*, are attended by PCLU officials from Head Office:

- Monthly Counter Terrorism Functional Committee (CTFC) meetings to ensure coordination and deal with challenges relating to terrorism and terror financing
- Monthly CTFC sub-committee (international and domestic terrorism) meetings with intelligence communities (SAPS CI, FIC and SSA) and DPCI: CATS
- Bi-weekly CTFC Training Task Team meetings
- National Intelligence Co-ordinating Committee (NICOC) Steercom meeting
- Meetings of the Department of International Relations and Cooperation (DIRCO) Counter Terrorism Inter-Departmental Working Group, which is responsible for all international issues in South Africa
- Meetings of the NPA Money Laundering Desk, which is responsible for internal coordination of work relating to money laundering and terror financing
- Meetings of the panel of agencies overseeing the terror financing cases in the regions
- National Conventional Arms Control (NCAC) Committee meetings, which are attended by the NCAC Inspectorate (defence unit), PCLU and DPCI: CATS and deal with NCAC cases
- Meetings of the NCAC Working Group, which deals with active and reactive strategies to counter radiological and terrorism offences, biological and chemical weapons and radioactive material
- Department of Home Affairs Travel and Movement Control meetings, which address issues of movement within the country



- Operational meetings of law enforcement agencies, led by the PCLU, dealing with issues of foreign terrorist fighters and citizens offering military assistance in foreign countries.

### Communications

The PCLU has regular meetings with its staff and the regions to ensure better communication, explain PCLU objectives and inform all members about important issues relating to the PCLU. A WhatsApp group and email groups have been established to ensure more effective and immediate communications.

### Capacity

In early 2022, there was an exit of almost all the PCLU personnel at Head Office due to retirements and resignations. However, the unit was resuscitated the same year and posts filled. While the regions do not have dedicated prosecutors to deal with PCLU cases, training prosecutors who are dealing with organised crime has ensured that there are adequate prosecutors in the regions able to deal with PCLU-related cases.

### Training

Training has been provided to prosecutors by international counterparts and domestically on issues relating to terrorism and terror financing, which has cemented their understanding of these matters. These trainings include other departments working in the PCLU environment have the same understanding of the concepts and objectives as the PCLU.

### Sexual Offences and Community Affairs Unit

#### Key achievements

Significant progress has been made to establish TCCs in much-needed areas. Ten TCCs have been added over the past ten years, increasing service offerings to the most vulnerable victims of crimes. In the past year, the Stellenbosch TCC (Western Cape) and the Jozini TCC (KZN) were added.

The new model is to build brick and mortar structures with optimal interior designs through the support of business. The existing Heideveld TCC (Western Cape) and Cradock TCC (Eastern Cape) were reaccommodated. The Mitchells Plain TCC (Western Cape) has been built but is not yet operational.

Since the COVID-19 pandemic, virtual platforms have increased accessibility and reach. Introducing webinars for maintenance matters proved highly successful, attracting large numbers of people and demonstrating the NPA's prioritisation of these matters. A national webinar opened by the NDPP was followed by provincial webinars in the Eastern Cape, Mpumalanga, Limpopo and KZN. Webinars are scheduled throughout 2024.

SOCA held 197 training sessions and completed 518 public awareness campaigns focussing on prevention, education on GBV legislation and access to resources for victims.

The DNA backlog project has yielded 49 374 DNA reports to the end of May 2024, making a significant impact in reducing the backlog. The project has enabled the NPA to say that no sexual offences cases should be struck off the roll or withdrawn because of outstanding DNA reports. The project has been expanded to include murder matters.

## Performance information – continued

The serial rapist prioritisation initiative was launched in September 2023. The initiative is a collaboration between SOCA, the DPP offices and the Serial and Electronic Crime Investigations unit of the SAPS' Family Violence, Child Protection and Sexual Offences unit. The top 10 serial rapists per province have already been identified. The initiative will ensure that the matters are enrolled, convictions secured and trials prioritised.

The Femicide Directive, which will ensure that femicide matters are prioritised, expertly dealt with and the families of deceased are kept abreast of all developments, was drafted and circulated for comments.

The Domestic Violence Protocol introduced in the TCCs in 2021 empowers TCC staff to identify a victim who needs a protection order and assist the victim to apply for an order. This has led to a 26% increase in domestic violence matters reported at the TCCs.

The NDPP signed an MoU with the Human Trafficking Institute in September 2023. This MoU allows SOCA to access the Institute's resources to address the shortcomings identified in the latest South Africa Trafficking in Persons (TIP) report, which warns that SA may be downgraded. The Western Cape was selected as the pilot project. All TCC staff in the Western Cape have been trained by a joint Human Trafficking Institute-SOCA team on how to identify and manage a TIP victim. Two further rounds of training have been scheduled for May and July 2024. The two latter sessions are aimed at training prosecutors and police officers.

CPI sites have increased from 22 to 48, 23 of which focus on GBV.

In response to a request from the GBV Pillar 3 team of the National Strategic Plan on GBV, SOCA compiled a comprehensive list of GBV offences, including offences where the nature of the offence indicates that the offender intends to commit a GBV-related offence. This will assist all government departments within the criminal justice system to identify all GBV-related offences or offender conduct to guide the process of determining the exact scope and scourge of GBV-related offences committed in the country.

SOCA has made huge strides through its public-private sector partnerships, raising more than R80m in pledges:

- Vodacom funded the construction and furnishing of the Cradock TCC and has made further pledges to reaccommodate the Themba TCC in Mpumalanga and two other TCCs
- Vodacom has also agreed to include the TCCs as a listed resource in their Bright Sky app, a covert resource for victims of GBV, which will allow millions of Vodacom subscribers to access TCC services
- Vodacom and the SPAR Group financed the launch of the Cradock TCC
- The SPAR Group continues to finance all TCC launches at R60 000 per launch and to supply groceries worth R300 000 per month to the various TCCs
- The SPAR Group has pledged to support the construction of the Jozini TCC
- First Rand Merchant Bank pledged R38m to build five TCCs
- The GBV Response Fund has also pledged R10m to reaccommodate existing TCC sites.

Implementing the MoU signed with the Minerals Council and the GBVF Response Fund in December 2022 has resulted in many benefits for the NPA:

- A pledge to reaccommodate the Kopanong TCC in Gauteng and the Musina TCC and two other TCCs in the North West, as well as build a new TCC in Moses Kotane in the North West and the Brits TCC
- The procurement of public awareness material in the form of tablecloths, gazebos and 30 000 brochures for all TCCs
- The procurement and installation of 2 101 signs for all the TCCs
- Furniture for the Kopanong TCC.

SOCA has collaborated with the Mediclinic Group to train their first responders to identify victims of GBV and has created referral pathways from Mediclinic facilities to local TCCs. All Mediclinic facilities in the Western Cape have been linked to a TCC. A new province needs to be identified for further roll out.

### Key challenges

Limited capacity continues to hamper SOCA's impact. A key challenge in the past year was the austerity measures that prohibited recruitment – this impeded the expansion of the TCC footprint despite SOCA securing funding for construction. A lack of GBV-specific budgets for key

stakeholders, especially the Department of Health, further impedes expansion. These measures have required SOCA to re-strategise and focus on reaccommodating existing sites rather than new sites. Austerity measures also curb SOCA's engagement in conferences and public awareness.

### Performance

Table 12 sets out the performance of the TCCs.

Table 12: TCC statistics, April to March 2022/23 and April to March 2023/24

**Total number of TCC sites at end March 2024 = 64**

#### Matters reported at the sites (with victims receiving TCC services at sites):

2022/23FY	2023/24FY	
36 813	<b>41 158</b>	Increase of 4345 matters (11.8%)

Of these reported matters, 33 507 (81.4%) relate to sexual offences and 5 654 (13.7%) relate to domestic violence.

#### Conviction rate of TCC reported and prosecuted cases:

2022/23FY	2023/24FY	
77.1% (1 482 cases finalised with 1 142 convictions)	<b>77.9%</b> <b>(1 753 cases finalised with 1 366 convictions)</b>	Increase of 0.8% on the conviction rate and 271 more verdict cases finalised

#### Sentencing of TCC finalised cases:

2022/23FY	2023/24FY	
Life imprisonment (number imposed by courts) 257	<b>Life imprisonment (number imposed by courts) 221</b>	Decrease of 36 (14%)
20–25 years' imprisonment (number imposed by courts) 150	<b>20–25 years' imprisonment (number imposed by courts) 164</b>	Increase of 14 (8.3%)
10–19 years' imprisonment (number imposed by courts) 351	<b>10–19 years' imprisonment (number imposed by courts) 483</b>	Increase of 132 (37.5%)
Number of accused sentenced 1 195	<b>Number of accused sentenced 1 444</b>	Increase of 249 (20.8%)

## Performance information – continued

### COMMERCIAL CRIME



Adv. Antoinette Ferreira

#### State v Mkhefa and Five Others (SCCU Bethlehem)

Vincent Mkhefa (accused 1) was the Chief Financial Officer and acting as Municipal Manager of Nketoane Local Municipality. He appointed Ntsoaki Mirriam Molapo (accused 2) and Kabelo Laundry (accused 3) without following proper procurement procedures. Accused 1 was also involved in ensuring that payment was made to Mandla Mrwebi (accused 5), Matseliso Leutsoa Mrwebi (co-director) and Mamatse Trading Close Corporation (accused 6) before the services were rendered. Mandla Bonifas Mamba (accused 4) was the Executive Mayor of the Municipality when accused 2 and 3 paid the gratification to accused 4.

Accused 6 was appointed by accused 1 on 17 May 2011 to supply 4 000 single-phase pre-payment electrical meters and 1 000 ready boards for R2.124 million. At the time that accused 1 supposedly took delivery, the items had not even been manufactured. Accused 1 created the false impression that goods were delivered and received.

Accused 1 was sentenced to an effective 8 years' imprisonment and is serving another 10 years' imprisonment. The other accused received various sentences of imprisonment.

#### State v Moyo (SCCU Klerksdorp)

On 23 February 2023, the accused, claiming to be Phakamade Mane Magwaza employed by the eThekweni Municipality, applied for finance at MFC (Nedbank) at Auto World, Klerksdorp. He pretended to earn a gross salary of R58 707 per month and claimed that he would be in a position to pay instalments of R11 273 per month on the purchase of a vehicle. The salary advice, bank statements and ID document provided were falsified. The applicant was actually Justice Moyo, a Zimbabwean citizen, who did not have legal documentation to be in the country.

He pleaded guilty, was convicted on all counts and sentenced to 15 years' imprisonment.



Adv. Rhyme Nchabeleng

#### State v De Koker (SCCU)

An ABSA Bank official based at a branch in Johannesburg introduced the accused and another person to the bank manager of the Sandton branch of ABSA Bank.

The accused presented a Companies and Intellectual Properties Commission document disclosing a company enterprise name as JSE Trustees (Pty) Ltd, together with two identity documents. JSE Trustees was a major client of ABSA Bank. The accused requested that the bank manager access the accounts and transfer R729 991 167 to her selected bank accounts. The bank manager became suspicious when he realised that the photo in the identity document did not match the person in front of him.

The accused pleaded guilty to five counts of fraud and was sentenced to an effective 25 years' imprisonment in the SCCC.

#### State v Dube (SCCU Durban)

A sum of R1.4m paid into ex-attorney Langelihle Dube's trust account by the Road Accident Fund was meant for a young boy who had been seriously injured in a motor vehicle accident. A second amount of R900 000 paid into Dube's account was for an insurance payout on a deceased estate. Dube never forwarded the money to its intended beneficiaries. Dube was arrested following an investigation by the Attorneys Fidelity Fund and members of the SAPS.

The Durban SCCC sentenced Dube to 10 years' direct imprisonment for the theft of approximately R2.3 million.



## MONEY LAUNDERING



### State v Khutso Kholofelo Trading CC, Matlape Kholofelo Mphahlele (Limpopo)

Mphahlele, a former ABSA bank employee in Bela Bela, allowed fraudsters to use his business accounts to receive proceeds of illegality amounting to R1.9m. A further accused, Edgen Gundane, transferred R2.5m from the Lesotho Ministry account to different bank accounts, including Mphahlele's.

Mphahlele pleaded guilty on 18 counts of acquisition and possession and use of proceeds of illegality in contravention of section 6 of POCA and was sentenced to six years direct imprisonment for money laundering.



Adv. Wimpie Els

### State v Erika du Plessis (Western Cape)

The accused was employed by HJEK Transport CC as a bookkeeper/accountant. She had to prepare Value Added Tax (VAT) 201 returns and upload the electronic payments to SARS in order

for the payment to be signed off and authorised by Koegelenberg. Some of these payments were fraudulently paid into the SARS income tax account of the accused. The accused forged letters with Koegelenberg's signature enquiring about the amounts paid into her income tax account and requesting that SARS refund these amounts back

into her bank account. These letters of enquiry formed the basis of the forgery counts. As no income tax was due by the accused, SARS would then refund these amounts into her own bank account. SARS paid R527 875 to the accused but withheld a further payment of R98 432 after it was discovered that these transactions were fraudulent.

The matter was finalised by way of a section 105A plea and sentence agreement and, due to several mitigating factors, the accused was sentenced to a suspended sentence of 36 months' correctional supervision in terms of section 276(1)(h) of the CPA.



Adv. De Villiers

### State v Matinkina (Eastern Cape)

The accused was employed by Coega Development Corporation and forged documents claiming fictitious salaries in the total amount of R6 642 420 for interns over a period of eight years (March 2013 to

February 2021). The salaries were paid into accounts belonging to him and his wife.

He was sentenced to 10 years' imprisonment for fraud and five years' imprisonment for contravening section 4 of POCA.

## TRIO CRIMES



Adv. Namika Kowlas

### State v Ncube and others (Gauteng: Johannesburg)

Armed with AK-47 automatic rifles, semi-automatic pistols and explosives, the accused and their co-perpetrators held the employees and patrons of a petrol station at gun point and threatened them to gain access to the cashier's office.

They stole money from the tills and used the explosives to

blow open the drop safe.

When the SAPS arrived at the scene, the accused and their co-perpetrators opened fire on them. The SAPS retreated to prevent injury to those in the back

of the police vehicle, but one police officer was fatally wounded and another was shot through both legs.

SAPS gave chase when the accused and their co-perpetrators fled the scene in two vehicles. Shots were exchanged and one vehicle crashed, fatally wounding one of the robbers. Three others escaped but were subsequently arrested.

The accused were charged with two counts of murder, six counts of attempted murder, possession of explosives, possession of unlicensed firearms and ammunition, housebreaking and robbery with aggravating circumstances. They were convicted and sentenced to two life terms and an additional 15 years' imprisonment.

## Performance information – continued

### Capacity

At the end of March 2019, SOCA had a total establishment of 217 (163 filled and 54 vacant posts), with a vacancy rate of 24.88%. Between 2019 and 2024, SOCA grew by 52 posts, bringing the total to 269 posts at the end of March 2024. At the end of 2023/24 financial year, there were 195 filled and 74 vacant posts, with a vacancy rate of 27.5%.

For the most part, SOCA's establishment grew through additional advocate posts, which grew by 12 posts between 2019 and 2024. The TCCs' capacity was also increased by 45 posts.

### Organised Crime Component

#### Key achievements

Recognising that organised crime is an existential threat to South Africa's democracy and economy, the NPA embarked on an extensive internal and external consultation process to develop the first ever NPA Organised Crime Strategy. The implementation of this Strategy is intended to introduce a new approach to addressing serious and complex organised crime in the NPA. The Strategy establishes a structure, mandate and intake criteria to ensure that the limited skilled resources are channelled into dealing with cases that will strategically reduce the reach, expansion and impact of organised crime in South Africa.

The OCC has been involved in the development of the Strategy and will monitor its implementation through NPA nodal points in the divisions, law enforcement partners and other external and government stakeholders. Existing structures will be realigned within the next financial year to facilitate the collaboration needed for the Strategy's implementation.

Recognising that wildlife trafficking is a serious, sophisticated form of transnational organised crime that poses a threat to South Africa's national security, the Cabinet adopted the National Integrated Strategy to Combat Wildlife Trafficking in May 2023.

The DPP Environmental Working Group was established in September 2022 and meets biannually. The objectives of the Working Group include, *inter alia*, sharing best practice in the investigation and prosecution of environmental crime and addressing

the challenges experienced. Real time information on arrests is shared between prosecutors and the law enforcement agencies, significantly enhancing collaboration.

An audit of national environmental cases was conducted to establish the number of cases being dealt with by the NPA. Eighteen prosecutors received training in the prosecution of biodiversity cases with the assistance of the UNODC. A consolidated list of investigating requirements for rhino poaching and abalone cases has been developed to ensure that comprehensive investigations are requested.

The OCC has dealt with an unprecedented number of racketeering applications in this reporting period, which reflects the drive to address serious and complex organised crime.

#### Key challenges

- Lack of an approved structure for the OCC resulted in inconsistencies in the reporting of statistics, and a blurring of the lines between the work of the OCC and general prosecutions
- The SAPS' Organised Crime Unit lacks financial investigations capacity, which makes it difficult for the AFU to recover the proceeds of crime
- The investigation of cases with an element of transnational organised crime were not being prioritised, which reflected in an absence of prosecutions
- Tactics designed to delay cases remain an ongoing challenge
- The safety of investigators and prosecutors who deal with organised crime remains a concern.

### Performance

#### Environmental crimes:

Nine racketeering prosecutions, relating to abalone, rhino and plant poaching, are currently enrolled. Three of these were authorised during the 2023/24 period. Notably, two racketeering cases have been authorised relating to cycads and clivias for the first time.

The NPA has consistently excelled in successfully finalising rhino-related prosecutions with a conviction rate above 95% since 2020. Terms of imprisonment of 15 years have been imposed for environmental crimes in many cases.

### Narcotics:

In collaboration with the SAPS' Organised Crime Unit and the DPCI, the OCC is addressing narcotics crime through project-driven investigations. Despite successful prosecutions, there is still a need to pursue the investigation of syndicates involved in drug-related offences and their kingpins in terms of POCA. More focus must be placed on transnational drug trafficking, as well as on financial investigations to uncover money laundering and/or terror financing, in terms of the FATF obligations.

During the 2018/19 reporting period, most drug related cases were prosecuted in the Western Cape. Over the past five years, it has become evident that the Constitutional Court judgement decriminalising the possession of cannabis by an adult for personal consumption has impacted the number of drug cases enrolled by the courts, with a sharp decline in the number of cases finalised with a verdict. Some regions reported that cannabis-related cases are no longer brought to court/enrolled.

Delays in the outcome of Forensic Science Laboratory reports were also a significant contributing factor to the decline in finalised cases and contributed to many outstanding cases on the court roll. Minor drug offences have been finalised through ADR mechanisms such as diversions.

### Illegal mining:

There has been an increase in the number of arrests, operation disruptions and exhibit seizures in illegal mining cases.

From 2019 to 2022, there was an increase in the number of successful prosecutions and penalties imposed in illicit mining cases due to a growing awareness of the seriousness of this crime. Deportation orders are also being made in relation to contraventions of section 49 of the Immigration Act, 13 of 2002.

Between January and March 2024, 402 cases were finalised with a guilty verdict. These cases relate to charges ranging from possession of gold bearing materials, mining contraventions in terms of section 5(A) of the Minerals and Petroleum Developments Act, 28 of 2002, theft and attempted theft of minerals, trespassing on mining premises, possession of explosives and contravention of section 49 of the Immigration Act. Twenty-nine cases resulted in direct imprisonment.

### Stakeholder engagements

The OCC participates in several stakeholder engagements across its various work streams to effectively deal with serious and complex organised crime and to ensure an effective value chain.

To amplify the NPA's influence and voice within the JCPS, the OCC continues to:

- Engage SAPS CI, SSA, DPCI, SAPS: General, SARS, FIC, Department of Home Affairs and INTERPOL
- Participate in coordinated structures to address illicit narcotics
- Partner with stakeholders such as DPCI to release media communications on successes, especially in high-profile or impactful cases
- Hold joint training sessions with DPCI
- Ensure that all fora have a standing item to address money laundering.

### Capacity

The OCC has motivated HRM&D's Organisational Development Unit to create several specialised skills posts nationally. The OCC has also identified critical posts that must be filled both at national and regional levels.

### Training

The OCC National Training Forum was established to ensure that the OCC has the right skills to do its work. The Forum meets monthly, coordinates all training initiatives in the country and receives all training inputs, suggestions and requests from the regions.

The OCC head office has conducted various training programmes to upskill organised crime prosecutors on topics such as TIP, money laundering and essential infrastructure crime.

The OCC forms part of the NPA's National TIP Task Team. This Task Team developed TIP Training materials for prosecutors, which are reviewed at the beginning of each year. The training includes social context, the Prevention and Combatting of Trafficking in Persons Act, 7 of 2013, other relevant legislation, racketeering, money laundering, victim identification and the investigation and prosecution of TIP. Fifty-nine prosecutors were trained this financial year during three training sessions.

## Performance information – continued

### RACKETEERING



Adv. Cobus Ehlers & Adv. Geo Wassermann

#### State v Mazibuko and Others (Gauteng: Johannesburg)

Vusimuzi Mazibuko, Xolani Mkhwanazi, Shaun Khumalo, Vusi Sibanyoni, Sticks Bhova and Calvin Congo Mabunda were part of a syndicate that operated in the North West, Gauteng and Limpopo as far back as 2011. They had ‘spotters’ observing bank clients who were withdrawing large sums of money. Once outside the bank, other members would follow these clients to isolated areas or their homes and rob them of the money, cell phones, jewellery, etc. They kidnapped a bank employee believing the person had the safe keys. In Gauteng, they shot and killed a man while robbing him. They detained staff members from a shop in Giyani who had just withdrawn a large amount of cash. When the robbers fled the scene, they were pursued by the police and a shoot-out ensued. The suspects were linked by means of fingerprints, facial recognition, expert evidence by bank officials and various positive identifications from several identity parades.

The accused received a combined 843 years on 68 counts, including racketeering by managing and participating in an enterprise, kidnapping, robbery, murder, fraud, corruption, conspiracy and possession of illegal firearms and ammunition. Mazibuko and Mkhwanazi were sentenced to life terms, Mabunda to 25 years, Sibanyoni and Bhova to 20 years each and Khumalo to 15 years,

#### State v Fernandes and Others (Western Cape)

Fernandes and Warner were involved in a R115m VAT fraud scheme. Fernandes was the member of three entities, ICE International Commodities and Exports CC (ICE Holdings), B and F Trading CC (ICE International) and Icomarket CC (DAFF and Associates). Warner was the bookkeeper. The accused used the three entities to pretend to SARS that they acquired goods, which were exported to Namibia, Angola and other African states. No VAT is paid on goods that are exported. The vendors are entitled to claim VAT back from SARS for all their legitimate VAT-bearing expenses. The accused claimed VAT back on goods that were never bought or exported, initially providing SARS with forged invoices. Warner assisted with the submission of the returns and the forged documents. Kamies was employed by SARS as an auditor and assisted the accused.

SARS paid out R112 million in refunds. Most of these refunds were channelled through the bank account of Baqarah Investments CC, which Warner controlled. The refunds of the last three tax periods in the charges were blocked and not paid over. The accused used the money to fund several failed business ventures, an internet gaming and social interaction website, low-cost housing projects in Namibia and Cameroon, the importation and installation of revolving doors and a pre-paid fuel card.

The accused were indicted in the Western Cape High Court on 487 counts, including racketeering, money laundering, fraud and corruption. Fernandes and Warner pleaded guilty to 471 and 401 counts respectively. Fernandes was sentenced to 4 823 years’ imprisonment, of which he will serve an effective 17 years. Warner was sentenced to 3 916 years’ of imprisonment, of which he will serve an effective 16 years.



Adv. S Mthethwa

### State v Nthunzi and Two Others (Free State)

Accused 1, 2 and 3 and other persons known and/or unknown to the State participated in the planned, continuous and repeated theft of Eskom overhead copper cables and damaged,

tampered with or destroyed essential infrastructure.

The accused were convicted of racketeering, theft of Eskom cables, tampering with essential infrastructure and money laundering. Accused 1 was sentenced to 16 years' imprisonment, accused 2 to 16 years' imprisonment and accused 3 to 12 years' imprisonment.



Adv. Wilson

### State v Siphamandla Mdlalose and Four Others (Eastern Cape)

Between 1 March 2019 and 18 September 2019, the accused were involved in 41 incidents of housebreaking with intent to steal. A group of men approached residential

properties in rented vehicles and gained quick entry using a crowbar, pick axe head or hammer. Flat screen TVs, electronic equipment, jewellery, cash, foreign currency, perfume and firearms were targeted, stolen and taken to a house close to Zwide for storage and distribution. Information provided by security companies, the complainants and the cars identified in the area during the housebreaking led to the accused being traced and arrested.

The accused were convicted on two counts of racketeering, 41 counts of housebreaking and theft and one count of unlawful possession of a firearm and ammunition. All the accused were sentenced to 15 years' imprisonment for racketeering. For housebreaking, accused 1, 2 and 3 were sentenced to 20 years and accused 4 was sentenced to 10 years. For money laundering, accused 3 was sentenced to 15

years, and a further 15 years for possession of a firearm and 2 years for possession of ammunition.

### State v M Matsetela and Five Others (Western Cape)

Malome Matsetela, Amos Ngobeni, Samuel Ngwenya, Linda Malopi and Wison Khoza were members of a Johannesburg-based syndicate that stole overhead copper cables from Telkom, Transnet and Eskom worth millions of rands between 2012 and 2015. The Hawks were part of the investigation because of an increase in the theft of overhead cables. A silent alarm was triggered when the syndicate cut Telkom's overhead cables between Oudtshoorn and Prince Albert. The cables were transported to Johannesburg and sold as scrap metal. The Senior State Advocate informed the court that Matsetela received more than R15m between November 2012 and September 2014.

All the accused were convicted of theft, racketeering and money laundering and sentenced. Matsetela was sentenced to 77 years' imprisonment.



## Performance information – continued

### Specialised Tax Unit

The STU is a dedicated component in the NPS, which prosecutes serious complex tax cases from SARS.

The STU footprint has been extended to the divisions and continues to perform well, achieving a 97% conviction rate and finalising 166 cases with a verdict. This is an increase over the 115 verdicts in 2021/22 and 139 verdicts in 2022/23.

Strategic interventions are resulting in more tax offenders being sentenced to direct incarceration. The key strategic focus for the new year is to increase the number of money laundering investigations and prosecutions in the area of tax crimes through the early identification of potential cases.

#### Key achievements

##### NPA/SARS/DPCI pilot project:

A joint project with SARS and DPCI was established to proactively encourage tax compliance amongst taxpayers. The project commenced in 2022/23 with prosecutions for non-filing tax contraventions as envisaged by section 234 of the Tax Administration Act, 28 of 2011, which provides for sanctions of a fine or imprisonment not exceeding 24 months. Thus far, SARS has registered 90 cases with the DPCI in the Johannesburg SCCU. All 20 cases enrolled in the Johannesburg Magistrates' Court have been finalised with a conviction. Tax compliance matters are not finalised until SARS confirms that the accused person is tax compliant, ensuring that taxpayers file their tax returns during the year of assessment.

The pilot project will be expanded to other divisions, with a transfer of skills to prosecutors in the Magistrates' Courts. It is anticipated that the project will bolster general tax compliance amongst taxpayers and provide greater public awareness through the media, particularly where high-profile individuals are involved, such as the recent case of Sonia Mbhele, Executive Producer of the 'Real Housewives of Johannesburg'.

##### NPA/SARS joint training programme:

A joint training programme for STU prosecutors and SARS Criminal Investigations Unit investigators was developed and executed. The topics included money laundering, drafting charge sheets, searches in terms of the CPA, Tax Administration Act, Cybercrime Act and Electronic Communications and Transactions Act, 25 of 2002. The main objective of this training programme was to improve the investigation and prosecution of serious complex tax cases. The virtual training programme was a huge success and will continue to be a permanent feature in the STU training strategy going forward.

##### Tripartite agreement:

The STU participates in a tripartite agreement between the DPCI, NPA and SARS to bolster inter-agency collaboration on improving the turnaround time for processing section 73 of POCA applications and strengthen prosecutions.

##### New DDPP appointments:

The STU welcomed two new DDPPs who were appointed to head the Mpumalanga and Limpopo STUs and have brought stability to the STU management. Since their appointments, there has been a notable improvement in the performance of their respective divisions in relation to tax matters.

#### Key challenges

The implementation of austerity measures has prevented the STU from filling critical positions within the unit. Administration support personnel are seriously under-capacitated, and four divisions have no permanent head. The national office is understaffed, with only one Senior State Advocate and the SDPP to oversee and provide support to the divisions, oversee the operations of the office and provide stability. Addressing these issues is dependent on funding.

## Notable cases

### State v Bukari

Bukari and his company, Mark Two Electronics, were charged with 19 counts of fraud, two of forgery and uttering that he submitted fraudulent VAT returns and fictitious tax invoices claiming undue VAT refunds worth over R2.7m. His company was not legally entitled to claim VAT refunds from SARS. The accused was convicted in the Johannesburg SCCU Court in Palm Ridge on multiple counts of fraud, forgery and uttering. Bukari was sentenced to 12 years' imprisonment.

### State v Nene

Nene was convicted of 25 counts of fraud for fraudulently submitting VAT returns valued at over R1m to SARS on behalf of a company called Nokune Trading CC. An investigation was prompted when the accused was unable to provide SARS with requested tax schedules and supporting documents to substantiate the VAT refund claims. The investigation revealed that Nokune Trading CC was not trading and the only transactions into its bank accounts were VAT refund deposits from SARS. The Johannesburg sentenced Nene to 15 years' imprisonment.



## INVESTIGATING DIRECTORATE



Adv. Tilas Chabalala

The ID leads the NPA's response to serious, complex and high-level corruption matters mainly resulting from the Zondo Commission.

The ID made significant progress in addressing the challenges reported on in the previous annual report.

Legislative amendments to secure the permanence of and define the powers of the ID was a key challenge. The NPAA Act was signed into law on 24 May 2024 and brings about significant changes, as set out in the legislative amendment section of this report.

Significant progress has been made in capacitating the ID with the appropriate specialised skills and resources to investigate complex corruption, and to process and interpret large volumes of data.

A lack of international cooperation relating to the extradition of the Gupta brothers has not been resolved. Renewed attempts are being made to ensure the extradition of these individuals.

The ID is aware of the high expectations of the South African people, which will be heightened by

the passing of the NPAA Act. In anticipation, the ID has prepared a detailed project plan to give effect to the amendments and ensure greater impact.

### Key achievements

Since the inception of the ID, 115 investigations have been authorised by the Investigating Director. Of these, 37 have resulted in a criminal court case being enrolled and 78 matters are still under investigation. The 37 court cases enrolled followed the arrest of 208 accused and the summons of 67 entities.

The 115 authorised investigations are grouped under the following priority investigation categories:

Transnet	Bain (SARS)
Eskom	Alexkor
Bosasa	South African Airways
Estina	Public Investment Corporation
SAPS	Denel investigation
NPA	Ministry of Defence
SSA	Enablers Project

## Performance information – continued

Table 13 provides a summary of the ID's achievements in authorised matters since inception.

Table 13: Summary of ID matters, 2019 – March 2024

Indicator	Number
Matters authorised	115
Investigations outstanding	78
Matters enrolled	37
Accused persons	208
Accused entities	67
Tax matters enrolled	9
Accused persons in relation to tax offences	13
Accused entities in relation to tax offences	13
Convictions	2
Acquittals/discharges	1
Matters removed from court roll	2
Matters withdrawn (2019 – 31 March 2024)	1

There are 122 recommendations by the Zondo Commission that fall within the mandate of the ID. Table 14 provides a summary of the progress made in implementing the Zondo Commission's recommendations.

Table 14: Summary of Zondo Commission achievements

Action	Number of recommendations	Number of cases/ inquiry files
Specific recommendations from the Zondo Commission	122	32
Investigation authorisations being considered	15	7
Under investigation	86	18
Enrolled for criminal trial	21	7
Finalised	N/A	1
State capture matters enrolled with no specific recommendations	–	14

### Key challenges

- Lack of resources to investigate new authorisations
- Complex nature of investigations resulting in unanticipated new lines of enquiry
- Limited investigative resources
- Redeployment of available resources to attend to urgent enquiries arising from matters in court
- Access to full Zondo Commission Data Forensic Laboratory.



## Performance

Table 15 indicates the ID's key performance indicator achievements over a period of five years.

Table 15: Key ID performance indicators, 2019/20 – 2023/24

	2019/20	2020/21	2021/22	2022/23	2023/24
Number of matters authorised	72	0	12	13	18
Number of matters enrolled*	5	4	5	18	3

\* Two enrolments fall outside the five financial years' period of the 6th administration (2018/19)

## Key cases

The following cases involving three different organised criminal groups were investigated and enrolled. The cases are reflective of systemic corruption in which the SAPS' procurement processes were captured.

### State v RJ Mokwena and others (‘Blue Lights’ matter)

Twelve people, six of whom are police generals, and one SAPS company are charged with corruption, fraud, money laundering, theft, contravention of Section 86 (1) of the PFMA and defeating the ends of justice. AFU Johannesburg seized the properties of the accused involved in the matter, worth R75m. One accused pleaded guilty to fraud and money laundering in terms of section 105A of the CPA and was sentenced to 10 years' imprisonment, of which five years were suspended for five years under certain conditions. An AFU confiscation order was obtained for R4.4m, which was paid into CARA.

### State v Joubert and others (‘Markings’ matter)

Fifteen people and nine companies are charged with racketeering, fraud, corruption, PFMA contraventions, forgery, uttering and money laundering.



### State v Madhoe and others (‘2010 World Cup Soccer’ matter)

The matter involves nine people, three of whom are high-ranking SAPS officials. The accused are charged with racketeering, fraud, corruption and money laundering. The AFU obtained a provisional restraining order to the value of R165m.

## Performance information – continued

The following cases were matters covered by the Zondo Commission, some of which involved specific recommendations.

### State v Hlakudi & Others ('Eskom Kusile' matter)

The matter was enrolled on 19 December 2019, when Hlakudi and 10 other accused appeared before the court on charges of corruption and fraud. The matter was postponed several times on application of the defence. On 26 July 2023, the Palm Ridge SCCC dismissed two interlocutory applications brought by Abram Masango and Antonio Trindade, one being to access the B and C sections of the case docket and the other to compel the State to provide further and better particulars. The matter has been transferred to the Johannesburg High Court for a pre-trial hearing on 23 May 2024. The extradition request of Michael Lomas (a former Tubular Holdings executive advisor) from the United Kingdom was granted in February 2024. Lomas subsequently appealed the extradition based on alleged ill health. On 4 May 2021, the AFU secured a freezing order of R1.4bn against the accused in relation to the matter.

### SAP

The matter was authorised on 17 March 2023, with the criminal investigation on allegations of fraud and corruption currently ongoing. On 11 January 2024, the NPA concluded a C-ADR with software giant SAP Global and its South African subsidiary, SAP South Africa (Pty) Ltd. SAP paid more than R2.2bn in restitution and punitive reparations for its role in Gupta-linked corrupt contracts. The total amount is made up of a few amounts that SAP has voluntarily agreed to repay to several state-owned enterprises and government departments, including Eskom, Transnet, the Cities of Johannesburg and Tshwane, the Gauteng Department of Finance, SARS and the Passenger Rail Association of South Africa (PRASA).



### State v Dudu Myeni

During the Zondo Commission, Angelo Agrizzi alleged that several politicians and government officials received bribes from Bosasa. This included Dudu Myeni who, at that stage, was the South African Airways board chairperson. Agrizzi alleged that Myeni received security upgrades to her residential home in Richards Bay. Myeni and Trevor Mathenjwa were arrested, and the matter was enrolled on 29 September 2023. The matter was postponed for pre-trial procedures.

### State v Desmond Nair

Nair, a former Senior Magistrate at the Pretoria Magistrates' Court was also implicated by Agrizzi. The matter was enrolled on 11 October 2022. After several postponements, the accused submitted representations to the NDPP stating the reasons why he must not be prosecuted. The matter is back in court on 27 July 2024 for pre-trial procedures.

### State v Vincent George Smith

Agrizzi also alleged that Vincent George Smith received a security upgrade gratification from Bosasa. He also received gratifications from Waterfall Golf Estate and Clidet 69, as well as evading tax. The matter was enrolled on 11 October 2020 and a restraining order to the value of R46m was secured. To date, assets worth R12.4m are restrained in terms of the order. The matter has been postponed to 28 May 2024 to secure a trial date.

### Stakeholder engagements

The ID cooperates with relevant stakeholders in the execution of its mandate and maintains strong working relationships with the SAPS, DPCI and IPID to advance criminal investigations. Several DPCI officials are still seconded to the ID, while IPID investigators have now been transferred to the ID.

The ID's cooperation with SARS in relation to matters that involve defrauding SARS or where there is evidence of tax avoidance by individual suspects or entities has resulted in the enrolment of nine tax matters involving 13 accused persons and 13 accused entities. Similarly, the ID cooperates closely with the FIC in investigations, particularly those relating to suspicious financial transactions in general and transactions that may point to potential money laundering. To date, the ID has made 28 requests to the FIC.

### Capacity

The ID's capacity has grown from 35 posts (secondments, re-assignments, contract and permanent appointments) in 2019/20 to 133 at the end of the 2023/24 financial year. This growth is possible through an increase in the budget allocation as well as the creation of permanent positions for the ID. Recruitment drives have been very effective and will continue in the coming year to ensure that all vacant positions for the approved ID establishment are filled. Specialised services, in terms of specialised skills not catered for by means of HRM&D processes, were dealt with through procurement processes. Filling specialist posts will phase out the appointments in terms of supply chain management processes.

## ASSET FORFEITURE UNIT

### Key achievements

The most notable achievements over the reporting period are: the approval and implementation of the AFU Asset Recovery Strategy; the establishment of the Asset Recovery Hub; the further roll out of the Section 18 project; and the significant settlements that were achieved as a result of C-ADR. A major impact was achieved with settlements of R2.68bn and recoveries of R770m in the financial year.

The AFU introduced novel approaches to asset recovery in its Asset Recovery Strategy. These include the appointment of experts in the recovery of proceeds moved to foreign jurisdictions and C-ADR. Two service providers were appointed in the past year, and another identified for appointment. Two major C-ADR cases were settled during the period under review.

Over the past five years, the AFU has run week-long training sessions for asset recovery lawyers and investigators in Zambia, Mauritius, Eswatini, Zimbabwe and Botswana. Through the UNODC, a recognised asset recovery short course was developed with the University of Cape Town for asset recovery lawyers and investigators in member

countries of the Asset Recovery Inter-Agency Network for Southern Africa.

The AFU has the leading role and responsibility for addressing IO8 of the FATF immediate outcomes. After the first Post Observation Period Report issued at the end of 2022, the FATF Joint Group held that action items stipulated in the Mutual Evaluation report were not addressed. During 2023, and after several engagements with the FATF Joint Group, the rating of IO8 has been upgraded to 'partially addressed'. There are very few aspects that need to be addressed for the rating to be upgraded to 'largely addressed', which will remove IO8 from enhanced monitoring.

### Key challenges

The main challenges of the AFU remain its dependence on partners and stakeholders, both internal and external to the NPA.

The AFU utilises Chapters 5 and 6 of POCA. Even though the processes, and Chapter 6 in particular, are regarded as civil processes, the AFU is still dependent on criminal investigations to pursue Chapter 6 and convictions to pursue Chapter 5. The ID is a key partner of the AFU and the complex and

## Performance information – continued

lengthy investigations mean that criminal investigations and prosecutions take a long time to finalise. The AFU cannot proceed with state capture and other complex corruption and organised crime cases if the investigations have not reached a level of maturity that would allow the AFU to prove such criminality in its papers. Outside counsel appointed in terms of Section 38 of the NPA Act have assisted.

### Performance

The AFU was struggling with a vacancy rate of almost 50% at the start of the period under review and had not been permitted to fill any investigator posts for the preceding seven years. The AFU's senior management was unstable. Several initiatives have been undertaken to address this situation. A programme was implemented to improve staff morale and develop the leadership of the AFU. Additional budget was secured, enabling the AFU to fill vacant posts. The results are evident from the growth trends visible in the performance of the AFU.

Table 16: Performance against NPA MTSF targets, 2019/20 – 2023/24

Indicator	2019/20 Actual performance	2020/21 Actual performance	2021/22 Actual performance	2022/23 Actual performance	2023/24 Actual performance
Value of freezing orders in corruption or related offences	R1.6bn	R611m	R5.5bn	R570m	<b>R932m</b>
Value of recoveries in corruption or related offences	R3m	R3m	R117m	R2.63bn	<b>R787m</b>

#### Value of freezing orders in corruption or related offences:

Serious corruption matters are highly complex and time consuming to investigate, and it may take multiple years to obtain an order. This makes it challenging to achieve the targets year-on-year. When an order is obtained, it is often of very high value, which can skew the performance picture.

#### Value of recoveries in corruption or related offences:

Challenges remain the complexity and time required to finalise cases. Even settlements are heavily contested. However, a clear upward trend over the MTSF period has been observed.

#### Value of completed confiscation and forfeiture cases:

Vacant posts and instability in top management resulted in the AFU struggling to achieve its targets. The COVID-19 lockdown had a significant impact on the AFU, as is evident from the 2020/21 figures (represented as 2021 in the performance figures). Since 2021/22, the AFU has shown a constant and steady increase in the values of orders obtained in completed confiscation and forfeiture matters. The very high spike in 2023/24 will serve to skew the upward trend and is attributable to two large settlement forfeitures obtained during the year.

For Figure 15 and subsequent figures, the red dotted line shows the linear growth trend for this indicator.

Table 17: Performance against NPA Annual Performance Plan targets, 2019/20 – 2023/24

Indicator	2019/20 Actual performance	2020/21 Actual performance	2021/22 Actual performance	2022/23 Actual performance	2023/24 Actual performance
Value of completed forfeiture cases	R455m	R550m	R550m	R495m	<b>R3.08bn</b>

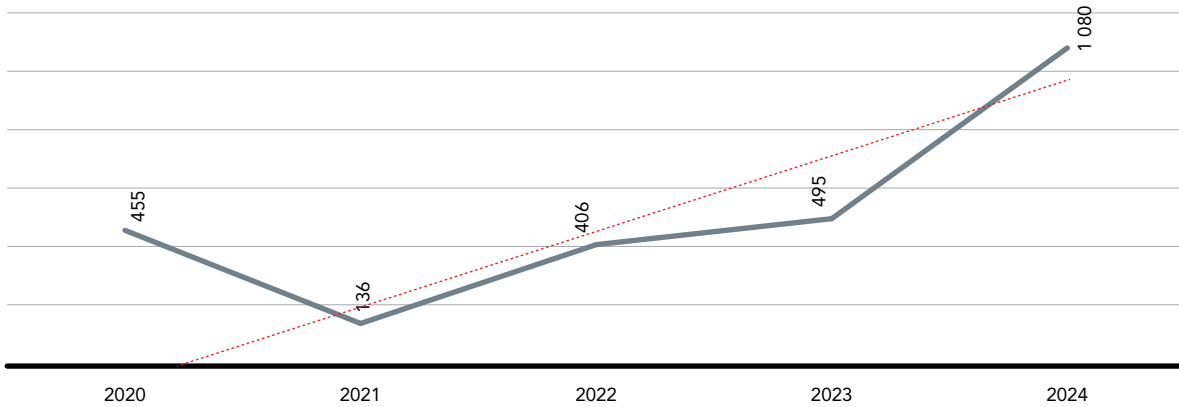


Figure 15: Value of completed confiscations/forfeitures (Rm)

Table 18: Performance against AFU targets, 2019/20 – 2023/24

Indicator	2019/20 Actual performance	2020/21 Actual performance	2021/22 Actual performance	2022/23 Actual performance	2023/24 Actual performance
Number of completed forfeiture cases	417	293	370	521	<b>653</b>
Number of freezing orders obtained	326	320	320	388	<b>420</b>
Value of freezing orders	R1.95bn	R512m	R5.84bn	R871m	<b>R1.87bn</b>
Value of recoveries in terms of POCA	R298m	R117m	R281m	R3bn	<b>R954m</b>
Success rate	98%	99%	99%	99%	<b>99%</b>

#### Number of completed forfeiture and confiscation cases:

The number of completed confiscation and forfeiture cases has shown a constant and very encouraging increase since the impact of the COVID-19 lockdown in the 2020/21 financial year. This is attributable to several factors including improved staff morale, stability in leadership and the allocation of additional budget to fill vacant posts.

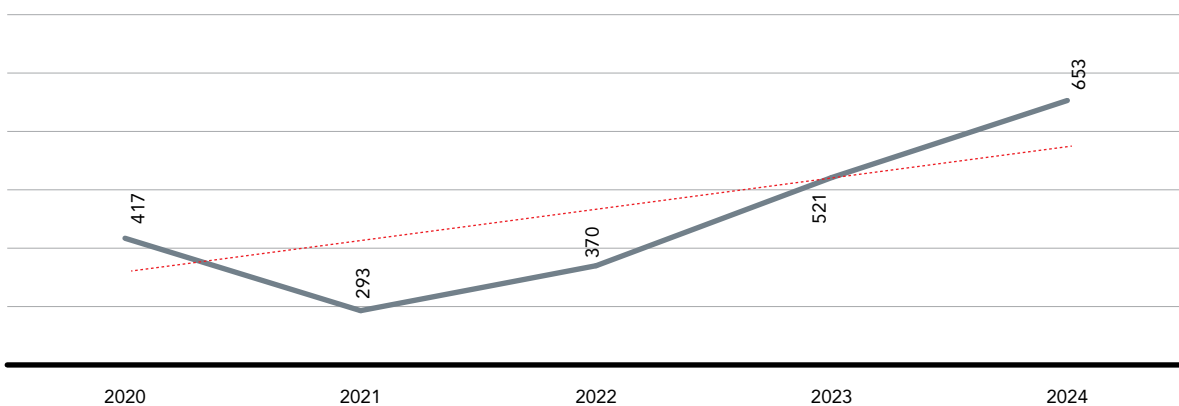


Figure 16: Number of completed confiscations/forfeitures, 2020 – 2024

## Performance information – continued

### Number of freezing orders obtained:

The number of freezing orders includes both restraints in terms of Chapter 5 of POCA and preservations in terms of Chapter 6 of POCA. This is a very significant, if not the most important, indicator as freezing orders form the basis for the rest of the asset forfeiture processes. The AFU struggled to achieve its targets for this indicator for several years, but the ability to exceed the target over the past three years clearly shows the value of adequately resourcing the AFU and filling vacant posts. The growth trend for this indicator is also very encouraging.

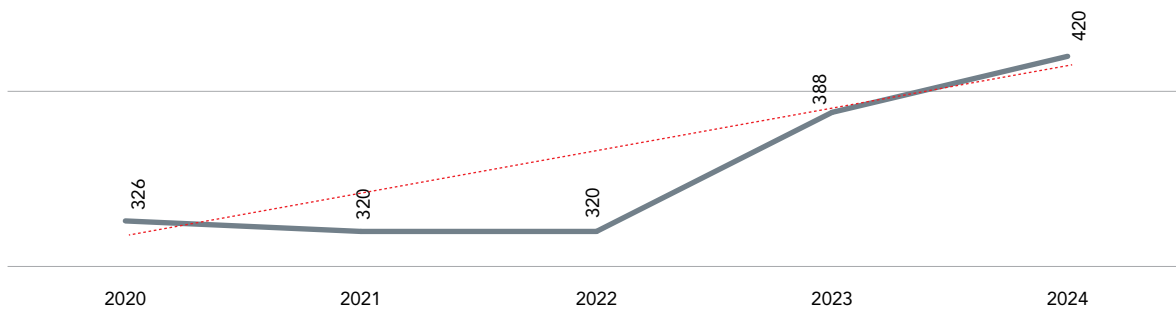


Figure 17: Number of freezing orders, 2020 – 2024

### Value of freezing orders:

The value of freezing orders is another important indicator as it shows the potential value for future confiscations, forfeitures and recoveries. As with all the indicators, the impact of the COVID-19 lockdown in 2020/21 is clear. Filling vacant posts and further resourcing assisted the AFU to achieve its target for this indicator. The five-year graph shows a downward linear trend due to the very high value of orders obtained in 2022/23. Excluding this spike, there is an upward year-on-year trend from R1.03bn in 2021/22 to R1.04bn in 2022/23 and R1.88bn in 2023/24.

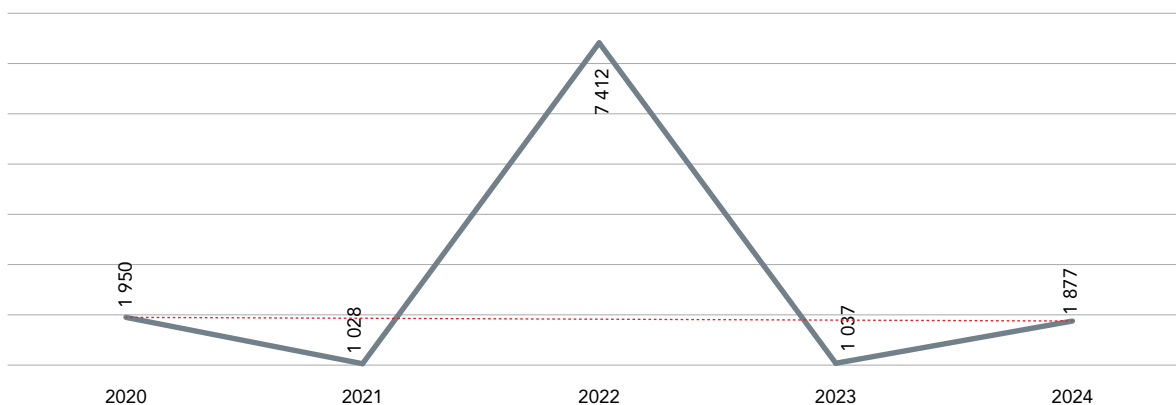


Figure 18: Value of freezing orders (Rm), 2020 – 2024

### Value of recoveries in terms of POCA:

The value of recoveries represents all recoveries made during the period under review. This includes the value of cash recovered and paid to CARA and victims, as well as movable, immovable and immaterial goods and claims returned to victims. This indicator also shows an upward linear growth trend.

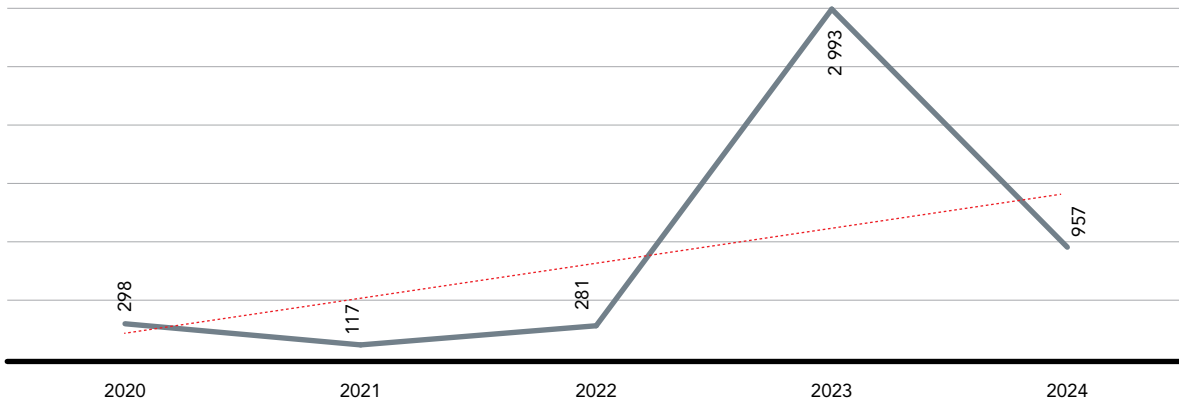


Figure 19: Total recoveries R(m), 2020 – 2024

#### Success rate of litigated cases:

The AFU has always exceeded the 93% success rate target. This indicator serves as a measure of the quality of work and the skill levels of AFU members. It further indicates that the AFU has sound case selection criteria in place to ensure that cases where recoveries can be made are taken to court.

### Key cases



Adv. Suna De Villiers

#### **Moidheen and Pillay**

A major state capture case, in which Eskom contracts were awarded to a contractor (ABB's South African subsidiary, ZAABB) on condition that ZAABB appoint a sub-contractor preferred by Matshela Koko, the Chief Executive Officer of Eskom at the time. The subcontractor, Impulse, did not comply with ZAABB's appointment requirements but ZAABB employees circumvented processes within the company to ensure that Impulse was appointed, for which they and their wives' received gratifications. Funds paid to Impulse were siphoned from the company and paid to other companies and gifts were also paid to individuals and entities.

The AFU obtained a restraint order for R583.8m on 6 April 2023. The criminal matter is ongoing, and the AFU will launch confiscation proceedings on conviction of the accused.

#### **Vatika Trading**

Vatika Trading and Kgotho Trading Enterprise made false and fraudulent misrepresentations in their tender bid to the SAPS, which resulted in them winning a national tender for branding SAPS' vehicles, valued at R50m. The respondents did not meet Black Economic Empowerment requirements and were not registered for VAT or as VAT vendors at the time the tender was awarded. They failed to pay VAT despite charging SAPS VAT on all their invoices.

More than R56m was paid to the respondents – the 1st and 4th respondents laundered the tender funds to the 2nd and 3rd respondents' bank accounts. Senior SAPS officials are also implicated in the fraud and corruption.

The AFU obtained a restraint order for R75m on 28 April 2023, in addition to a forfeiture order and recovery made in 2020. The AFU will launch a confiscation application on conviction of the accused.



## Performance information – continued



Ms Magdel Schimper

### Chang

Between 2005 and 2015, the Mozambican government took out loans amounting to approximately US\$2bn to establish three separate maritime projects: a tuna fishing fleet, building a shipyard, and surveillance operations to protect the Mozambican coastline.



Adv. Simon Sethe

Prinvest Group – an international ship-building group specialising in high-end and technologically advanced ships, including commercial vessels and mega yachts – facilitated the

loan applications through the London Branch of Credit Suisse AG and VTB Capital PLC, an international financial services group that provides investment banking, private banking and asset management services. Prinvest officials charged the Mozambican government inflated prices for equipment and services to free up monies for bribery payments. On 27 June 2022, a court in Maputo granted warrants and restraint orders against the assets of Bruno Langa, Teofil Francesco Nhangumele, Antonio Rosario and Armondo Guebuza. The orders were not appealed.

The Mozambican government requested that the AFU register the orders obtained in Mozambique. On the strength of the Mozambican orders and the facts in the matter, the AFU obtained preservation orders against the properties of four defendants in South Africa on 25 May 2023. The total estimated value of the properties is R49.3m. The orders are in the process of being enforced.



Adv. Anthony French

### Qush

Qush cleaning services defrauded the University of Fort Hare of R19m by submitting fraudulent invoices for services not rendered. A university official assisted in the fraud by facilitating the undue payments. He was paid R4m in gratification.

The AFU obtained a restraining order for R14.3m on 23 May 2023. The AFU will launch a confiscation application on conviction of the accused.

### Compensation Fund



Adv. Thandi Arlaat

Corrupt employees committed fraud by moving a large amount of money from the Compensation Fund to private accounts. This was done by creating fraudulent beneficiaries on the system and transferring the money several times to conceal its origins.



Adv. Kehilwe "Lucky" Possa

The AFU obtained four preservation orders for R53m and one forfeiture order for R2.5m. Due process is being followed to obtain the further forfeiture orders. To date, R1.5m has been paid back to the Compensation Fund.



Adv. Sidney Chikuni





Adv. Adelle Janse Van Vuuren

### Guardians Fund

On 6 April 2023, R17.7m was transferred from the Guardians Fund in the Master's Office in Pietermaritzburg into several different accounts and then transferred into other accounts to conceal its origins. Corrupt employees in the

Guardians Fund were complicit in the creation of beneficiary accounts and the payment of undue monies to those accounts.

The AFU obtained a preservation order for R8.86m on 26 April 2023. A further preservation for R100 000 was obtained on 20 June 2023. The forfeiture process is ongoing.



Mr Gxowa

### Gqeba

Gqeba is an attorney who claimed R3.5m from the Road Accident Fund on behalf of a client. The claim was paid but the attorney never paid the monies over to his client.

The AFU obtained a restraining order for R8.5m against Gqeba's assets on 11 April 2023. The AFU is permitted to restrain assets of a higher value than the original offence/s to ensure that the final recovery is sufficient to cover the value of the benefit received from the offence/s in question. The AFU will apply for a confiscation order on conviction of the accused. The criminal trial is ongoing.



Mr Shannon Randall

### Adamjee

An IT executive at the Cell C cellular service provider bought a house in his wife's name with the proceeds of fraud and corruption. He bought another house that was registered in the name of a family member. The AFU also seized a vehicle

bought with the proceeds.

Three preservation orders for the properties were obtained, two on 27 March 2023 and a third on 20 June 2023, for R12.5m. The AFU obtained three forfeiture orders, one in May 2023 and two in February 2024, for R12m. The recovery process has started.



Adv. Nazreena Sayed

### Jocatus Transport

Jocatus Transport received payments totalling R121m from Tiger Brands, a large company in the food and wholesale industry. Govender, who was employed by Tiger Brands, created 60 fictitious invoices for

services that were not rendered. The invoices were made in favour of and paid to Jocatus Transport. Jocatus Transport transferred the monies into different accounts to conceal its origins.

The AFU obtained a forfeiture order for R41.9m on 30 June 2023. The AFU is in the process of recovering the proceeds of the crimes.

## Performance information – continued



Adv. Clay Sibiya

### Chinhoyi University of Technology

Money was transferred from Chinhoyi University of Technology in Zimbabwe to South Africa to purchase generators from a South African company. The banking details of the company were fraudulently altered,

and the money was paid to an account that did not belong to the company. The monies were then transferred on to a third account to conceal its origins.

The AFU obtained a preservation order for R330 000, the remaining proceeds in the account on 4 April 2023, and a forfeiture for the same amount was obtained on 27 March 2024. The recovery process has commenced.



Mr Muhammed Thaabit Kagee

### Project Ironside

A luxury yacht was used to transport cocaine from South America to South Africa. The cocaine would be transferred to a fishing vessel, which would dock in the Cape Town Harbour. The cocaine would then be re-packaged and

distributed onward. The matter came to light when 2.85 tonnes of cocaine worth an estimated R1.42bn was seized.

Both the yacht and the fishing vessel were seized and sold on auction. R444 000 and R9.2m were paid into CARA on 31 May 2023 and 10 May 2023 respectively. This was a major blow to the drug syndicate.

The criminal matter is ongoing with further possible confiscation proceedings being considered on conviction of the accused.



Adv. John Wilson

### National Lotteries Commission

The matter relates to cases referred to the AFU by the SIU. Grant funding paid to certain non-profit organisations was laundered through law firms (conveyancers) who received the funds from the non-profits for the

purchase of immovable property. The properties were subsequently registered in the names of board members of the National Lotteries Commission, who are by law prohibited from benefitting from National Lotteries Commission grant funding.

The AFU has obtained three preservation orders for R23.2m, R56.3m and R14.8m, totalling R94.3m. The AFU is in the process of obtaining forfeiture orders, but the matters are heavily contested.

### Project Gillett



Adv. Nicole Peters, Adv. Donald Phahlane, Adv. Tazi Nemaorani and Ms Makopi Maripane

A syndicate of foreign nationals using fraudulent South African identity documents was dealing in unwrought gold in the Carletonville area. The first preservation for R1m was obtained on 31 July 2023; the second for R355 000 was obtained on 7 August 2023; the third for R16m was obtained on 30 August 2023; and the fourth for R3.25m was obtained on 8 January 2024. The property seized includes movables, immovables and the bank accounts of individuals and entities linked to the syndicate.



Adv. Kobus Van Der Walt

### Jordaan

Jordaan was working in an organised manner with coal miners and other landowners to establish and operate open-cast coal mines in Mpumalanga. The mines were operated without any approvals.

The AFU obtained two freezing orders with a combined value of R384m in November and December 2023. A further confiscation linked to this matter was obtained against a party operating an illegal coal processing plant. A confiscation order of R200 000 was granted on 9 February 2024.



Adv. Richard Chinner

### SAP

German company SAP, which implements an Enterprise Resource Planning system widely used in government, engaged in corrupt transactions with entities and persons linked to state capture and

paid bribes to extend current contracts and secure further contracts with the South African government and state-owned enterprises. These entities included Transnet, Eskom, the City of Tshwane, the Department of Water and Sanitation, the City of Johannesburg, PRASA and the Gauteng Department of Finance.

After extensive investigations and lengthy engagements with the International Holding Company and the US Department of Justice, SAP agreed to a settlement that was made an order of court. A settlement forfeiture order for R2.2bn was obtained on 24 January 2024, of which R750m was paid into CARA on 1 February 2024. Several more recoveries are in progress. The matter was resolved in terms of the C-ADR processes. The holding company disgorged the benefit received from South Africa. This is another example of a successful recovery of proceeds of unlawful activities moved abroad.

### Optimum Coal Mine



Adv. Chinner, Adv. Rabaji-Rasethaba, Adv. De Villiers



Mr Thembinkosi Dlephu



Mr Sibusiso Tshikovhi



Ms Meera Ramdeen

During the height of state capture, the Gupta brothers used monies from corrupt payments (including from Eskom) to buy a coal mine with the view of supplying coal to Eskom.

The AFU obtained a preservation order in respect of the mine. On 23 January 2024, the AFU entered into a settlement agreement, which was made an order of the court, in terms of which R480m will be returned to the victims. This is a breakthrough in state capture cases. The recovery is in process. This case was concluded based on the C-ADR process.



## Performance information – continued



Adv. Lerato Mohlaka

### State v MJ Mashiba and TS Maesela – murder

The High Court of South of Africa: Limpopo Division, sitting in Polokwane has sentenced Mmamoraba Jacob Mashiba and Tubake Sister Maesela, for the murder of Mogokolodi

Cleopass Digama. Both accused were sentenced to life imprisonment for the count of murder, five years for unlawful possession firearm and three years imprisonment for unlawful possession of ammunition. The sentences were ordered to run concurrently, the effective sentences is life imprisonment.

The accused persons pleaded not guilty to all the charges. The state led evidence of witnesses who testified on how the incident of 17 June 2021 unfolded when Mogokolodi Cleopass Digama, a Warrant Officer in the South African Police Service (SAPS) attached to Apel police station, was shot and robbed of his service pistol and vehicle. The incident happened at his Somalian friend's tuckshop. The evidence revealed that the deceased was shot and killed with an unknown pistol at Lerajane village, in Sekhukhune district and his vehicle was later recovered burnt.

The police investigations led them to the wife of the deceased and her lover who fathered one of her children. The court further heard that prior attempts of poisoning the deceased had been made by both accused.



Adv. Phumudzo Mudau

### State v M Masiya and O Raisi – Tax

Two Zimbabwean nationals, Marshall Masiya and Oswald Raisi, were sentenced by the Polokwane Specialised Commercial Crimes Court for possession of illicit cigarettes and corruption. Masiya was

sentenced to 18 months imprisonment for illegal immigration, and Raisi to five years imprisonment or a fine of R5 million for possession of illicit cigarettes valued at R9 million and eight (8) years imprisonment for corruption. The Renault truck and two trailers respectively, and 444 master boxes of Remington Gold cigarettes were forfeited to the state

On 20 May 2023, at the Beitbridge border, the SARS officials conducted an inspection and noticed that the number of goods declared on the document and the load on the truck did not correspond. They then redirected the truck to the inspection ramp and unpacked the load. They found 440 master boxes of illicit cigarettes amounting to R9.6 million, hidden under the cotton oil cake. Raisi offered the SARS official R30 000, as a gratification to prevent him from inspecting and searching the truck. The official then called the police officers and the accused were arrested. The accused pleaded guilty to the charges and the court found them guilty as charged.



Adv. David Sebelebele

### State v ML Madigoe gender-based –Violence/ Trio

The Limpopo Polokwane High Court has convicted and sentenced a 39-year-old man, Motsepana Lolo Madigoe, from Seleteng Ga-Mphahlele

to three life terms and 76 years imprisonment for five counts of rape, three counts of housebreaking, kidnapping and assault with intent to cause grievous bodily harm, robbery with aggravating circumstances. During the trial, the accused pleaded not guilty, and the court heard that between June 2015 and August 2020, the accused was terrorising the community members of Seleteng, Makotse and Lebowakgomo, by breaking into their houses and threatened them with a knife demanding money before raping them. In another incident, the complainant was walking on a footpath with the accused when he threatened to kill her, and then drag her into the bushes and raped her. Vulnerable people were targeted and that the victims suffered serious injuries because of this offence especially the elderly women of 56 and 74 years of age who were assaulted before being raped by the accused. The accused was linked through the DNA in all the offences.



Adv. Nduvheni Mulangaphuma

### State v Shadrack Hasani Baloyi and Themba Baloyi – Trio Crime

The High Court of South Africa, sitting in Thohoyandou Local Division has convicted and sentenced Shadrack Hasani Baloyi to two

life terms and 240 years imprisonment, co-accused Themba Baloyi, to life sentence and 75 years imprisonment, for multiple offences which included rape, murder, robbery with aggravating circumstances, housebreaking with intent to steal and theft.

Between 2011 and 2018, the accused persons were terrorising the communities of Xitlhelani, Roadhuis, Risinga View, Xikukwani, and Giyani section F. Accused 1 (Shadrack) would enter the homestead of the complainants and robbed them of their belongings, before raping them. The other complainants were in the bushes when they were confronted by the accused, who shot the deceased Shilenge Daniel and further raped the female victim. Both accused also robbed and raped a complainant who was in a taxi while pointing her with a firearm. In another incident, both accused took cars of the other complainants. The accused were linked through the DNA in all counts of rape.

## Performance information – continued



Adv. Makgomo Masehela

### State v Uncle of minor – Rape

The Mankweng Regional Court has convicted and sentenced a 29-year-old man of Tjatjaneng Ga-Mothapo, to three life imprisonment, for the rape of a 12-year-old minor girl. The name of

the accused is concealed to protect the victim, as they are related. The accused pleaded not guilty, and the court heard that on 18 August 2021, the victim was back from school when she found her uncle (the accused) having sexual intercourse with a woman in the house, the woman ran out of the house, and the uncle dragged the child and raped her. The accused then stopped when he heard the victim's brother coming in. Two days after the incident, the accused continued to rape the victim after she refused to call the woman, she found him with. The minor reported the matter on 12 September 2021 to her mother.

There was no DNA evidence, as the matter was reported to the police late. The J88 was handed in to corroborate the evidence of the forensic nurse who testified about the injuries the victim sustained throughout the ordeal. The victim also testified through the assistance of the Court Intermediary, as she was a minor. Victim Impact Statement was also handed in court which explains how the incident affected her emotionally, physically and her studies.



Prosecutor Sifiso Miya

### State v Shonono Amos Sibande – Rape

The Groblersdal Regional Court sentenced Shonono Amos Sibande to life imprisonment following the conviction of rape of an eight-year-old girl. On the day of the incident on

2 September 2020, the accused was working at the victim's homestead at Tafelkop. He was employed to erect the wall and to clean the yard. The victim was left alone in the house by the mother while watching television.

The accused entered the house and found the victim sleeping on a sofa, he undressed the victim and raped her. He further threatened to kill her if she told anyone. The victim did not report the incident to anyone. Almost a year later, the victim's mother became concerned about the changing behaviour of the child and her loss of weight. As a result, she took the child to the local clinic and the child was referred to the local hospital wherein it was confirmed by the doctor that the victim was raped. It was then that the victim reported to the mother about the rape and the matter was reported to the police.

### Stakeholder engagements

The Asset Recovery Strategy of the AFU had to be approved up to Ministerial level. This required significant engagement with partners and stakeholders in the other NPA divisions, such as the NDPP, NPS, SCCU and SOC, and external to the NPA such as the Director General and the Minister. The engagement process was lengthy but resulted in the approval of the Asset Recovery Strategy.

The AFU has also made considerable efforts to improve cooperation with the SIU. These efforts produced excellent results, with the AFU managing to obtain three preservation orders for R94m in National Lotteries Commission cases referred by the SIU. There is very good cooperation between the AFU and SIU at this stage.

## Capacity

Table 19 reflects the growth of the AFU from April 2019 to 31 March 2024.

Table 19: AFU growth, April 2019 – March 2024

	2019/20	2020/21	2021/22	2022/23	2023/24	31/03/2024
Establishment	187	221	234	233	250	<b>253</b>
Vacancies	70	91	84	67	58	<b>58</b>
Vacancy rate	37%	41%	36%	29%	23%	<b>23%</b>

From June 2023, the AFU was unable to make any appointments due to budget constraints.

It is noteworthy to mention that payments into CARA increased from R167m in the 2019/20 financial year to R835.3m as of 28 February 2024. The enforcement component ensures that all successful final orders are fulfilled, that is payments made to victims and payments into CARA.

The AFU also appointed 29 outside counsel, via section 38 of the NPA Act, to supplement its capacity to deal with high-profile cases. Success has already been achieved in some of these, such as Optimum Coal Mine, ABB and SAP.

## Training

The AFU has an organisational culture that includes harnessing, storing and making available knowledge from various sources such as judgements, legal papers, operational areas, policy compliance, legal opinions and best practice.

New appointees are required to undergo training. Lawyers must undergo a two-week theoretical and practical workshop aimed at an intermediary level. The focus is on asset forfeiture including drafting and litigating cases in Chapters 5 and 6, civil procedure, enforcement-related matters, policy compliance and financial investigations. This course is aimed at upskilling new lawyers to handle a case from the start of their employment, supported with the necessary mentorship.

## Staff morale and wellness

Since interventions by the Head of the AFU and the former SDPP, and stability in the top management of the NPA and AFU, staff morale has improved substantially.

## Budget

The AFU budget increased from R159.5m in 2019/20 to R219.7m in 2023/24. This increase is in line with the 35% increase in its staff establishment. CARA funding of R100m was received late in 2017 to be spent over three years, during which time the AFU deposited more than R320m into CARA, a 227% return on investment. The AFU also paid R2.9bn to victims of crime.

The CARA allocation enabled the AFU to increase the recovery of much larger amounts of money to the State and increase the amounts payable to crime victims. The enhanced ability of the AFU to litigate highly complex corruption, organised crime and money laundering cases, without the hindrance of severe budget constraints, resulted in more funds being paid into CARA. These funds allow law enforcement to use more sophisticated tools in the fight against crime and ultimately reduce the incentive to commit crime.

In 2022, the AFU requested R400m in CARA funding for state capture and other high-value cases that are likely to be intensely litigated, resulting in greater costs, protracted criminal litigations, extended periods of curator services and higher curator fees and expenses. Approval was received at the end of 2023 for a CARA allocation of R70m over two years. The curator fees for one case alone during the period of the request was R14.5m and the legal fees were R10.3m (total of R24.8m). This equates to 39% of the AFU Goods and Services budget for just one matter.

## Performance information – continued

### OFFICE FOR WITNESS PROTECTION

The Office for Witness Protection (OWP) provides temporary protection, support and related services to vulnerable and intimidated witnesses (and their related persons) in judicial proceedings. Participation in the witness protection programme is voluntary and witnesses must abide by the strict rules of the programme to ensure their safety.

#### Key achievements

- Over the past five years, no witnesses or related persons were harmed, threatened or killed while on the witness protection programme, for the reason they were placed on the programme
- There has been a decline in walk-offs over the past five years – during the 2023/24 reporting period, only two witnesses walked off the programme
- All witnesses on the programme attended judicial proceedings when required to
- All witnesses and related persons that needed to be discharged and resettled were
- All formal complaints against the OWP lodged by witnesses with the Minister (in terms of section 14 of the Witness Protection Act, 112 of 1998) or any government institution and/or any other public or private organisation, regarding their treatment while on the programme, were successfully resolved.

#### Key challenges

Criminal cases, particularly complex matters, tend to be prolonged. This means that witnesses remain on the programme for a long time, which is very costly. The covert and overt functions of the OWP are combined to ensure compliance with the PFMA but this poses a security risk to the operations of the OWP. Suppliers on the Central Supplier Database tend to inflate prices and the number of service providers that can meet the specific needs of the OWP are limited.

The OWP has been unable to fill its vacancies and the placement of the unit has not been finalised. During operations, staff are constantly travelling long distances to secure protected persons, which places strain on their health and family relations.

The allowances of witnesses and their related persons have not been increased since the inception of the witness protection programme – most, if not all, complaints from witnesses relate to this allowance being inadequate.

Protected persons often have unreasonable expectations, which are created by stakeholders and partners.

#### Performance

The incredible success of the OWP can be ascribed to the men and women who work tirelessly to ensure the safety of the persons they are responsible for. The NPA is extremely proud of this achievement.

Table 20: Performance against NPA Annual Performance Plan targets, 2019/20 – 2023/24

	2019/20 Actual performance	2020/21 Actual performance	2021/22 Actual performance	2022/23 Actual performance	2023/24 Actual performance	Change over period 2019/20– 2023/24
Number of witness and related persons threatened, harmed or killed on the witness protection programme	0	0	0	0	0	0%



Table 21: Performance against OWP targets, 2019/20 – 2023/24

Indicator	2019/20 Actual performance	2020/21 Actual performance	2021/22 Actual performance	2022/23 Actual performance	2023/24 Actual performance
% of walk-offs of witnesses and related persons	1.2%	0.9%	1.4%	0.6%	<b>0.3%</b>
% of witnesses who attended judicial proceedings	100%	100%	100%	100%	<b>100%</b>
% of witnesses and related persons successfully discharged and resettled	100%	100%	100%	100%	<b>100%</b>
% of resolution of formal complaints lodged	100%	100%	100%	100%	<b>100%</b>

- Over the last five years, there was a 75% decline in walk-offs:
  - 2019/20 – seven witnesses and two related persons (1.2%)
  - 2020/21 – three witnesses and three related persons (0.9%)
  - 2021/22 – four witnesses and five related persons (1.4%)
  - 2022/23 – three witnesses and one related person (0.6%)
  - 2023/24 – two witnesses and no related persons (0.3%)

### Stakeholder engagements

The OWP had continuous meetings and training sessions with SAPS and prosecutors. OWP presented at on-board training sessions in the NPA and TIP training sessions.

The Acting Director of the OWP received an invitation to and attended the International Witness Protection: Head of Experts meeting held in Indonesia in September 2023, where international good practices were discussed and agreed on.

The following topics were covered at the conference:

- Witness protection in TIP cases:
 

Participants discussed the difficulties posed by the extreme vulnerability of the victims/witnesses, their precarious status in destination countries and how these challenges affect their willingness to testify and accept inclusion in protection schemes. The views of psychosocial experts and the experience of witness protection partners dealing with TIP protection cases were presented and deliberated on.

- Witness protection and Collaborators of Justice:
 

For most programmes, Collaborators of Justice are a recurrent issue. While they pose unique challenges in adjusting to protection programmes' rules and limitations, their cooperation with justice is one of the most powerful tools for combating serious and organised crime and terrorism. The workshop looked at the psychological aspects of this type of witness and experiences were shared.

### Capacity

The OWP has a vacancy rate of 32%, which seriously impacts on its ability to deliver services. Recruitment has been on hold pending the outcome of the job evaluation process, where posts were downgraded, and the unit is of the view that it cannot recruit the quality of personnel required at these levels.

## Performance information – continued

### LEGAL AFFAIRS DIVISION

The LAD is responsible for dealing with civil actions and applications arising from prosecutorial decisions. LAD also provides legal advice and guidance to the NPA's business units relating to civil actions and applications and contractual obligations. LAD supports every employee to perform their work without fear, favour or prejudice. In essence, LAD protects the interests of the NPA and the State in civil litigation in which the NPA is involved.

#### Key achievements

A new SDPP was appointed for LAD, bringing much-needed stability to the unit. Over the past year, LAD has taken steps to become a strategic partner and claim its role as the civil litigator for prosecutors.

The LAD has provided business units with civil litigation trends, which will inform steps towards reducing the exposure of the NPA. The LAD has also advised where skills development or mentoring is required, as well as identifying possible misconduct. The LAD has played an advisory role to ensure decisions are quickly made to avoid unnecessary litigation and has prevented reputational harm by efficiently settling applications.

The LAD has obtained punitive orders against plaintiffs whose actions were opportunistic and resulted in a substantial waste of resources. The LAD has pursued cost orders in favour of the State and, since 2017, 17 costs orders in favour of the State have been granted. The LAD has also appointed cost consultants.

The LAD has managed to limit the costs related to settlement agreements and orders against the NPA. Over the reporting period, the LAD received 986 new delictual claims and 252 applications. The LAD had a success rate of 77% in defending claims of malicious prosecution or unlawful detention. The NPA only paid out R9.796m of a total claim amount of R224m in respect of 22 lost or settled claims out of the 96 delictual claims finalised. The 22 delictual claims lost is marginal when compared to the total number of prosecutions dealt with by the NPA.

Plaintiff attorneys, who mostly work on a contingent basis, are litigating aggressively, exploiting errors and inefficiencies in the Office of the State Attorney to obtain default judgements. Through a focused

intervention, the number of matters finalised by way of default judgements was reduced from eight in the previous year to only three in the current year. This improvement can be ascribed to the inclusion of a performance indicator for all legal staff to curb default judgements. However, there are still many default judgements that are being rescinded and the rework is time consuming and costly.

The LAD had its own budget allocation for the first time. This will improve accountability and allow ExCo to compare the impact of the unit with its costs.

The LAD invested significant effort in ensuring the completeness and accuracy of the contingent liability register.

#### Key challenges

The workload has significantly increased over the past 10 years as South Africa becomes more litigious and civil society has stepped up to hold government accountable. The NPA is being cited as a matter of course for unlawful detention. The trend is to sue for the period of detention from first appearance.



Table 22: Increase in claims and anticipated claims, 2012/13 – 2023/24

Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Number of claims	509	736	847	1 109	1 383	1 733
Year	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Number of claims	1 861	2 081	1 859	1 668	1 757	<b>1 822</b>

The trend of bringing interlocutory applications in high-profile matters to delay criminal proceedings and target prosecutors continued.

The increased number of trials constitutes a huge increase in the workload of the legal staff in the LAD, as well as for prosecutors who need to avail themselves for consultations and trials.

## Performance

The lower success rate in 2023/24 (74/96 or 77%) can be attributed to prosecutorial errors that could not be defended and three default judgments caused by inefficiencies in the Office of the State Attorney. However, the percentages should be compared with the actual number of cases lost or settled.

Table 23: Performance against LAD targets, 2019/20 – 2023/24

Indicator	2019/20 Actual performance	2020/21 Actual performance	2021/22 Actual performance	2022/23 Actual performance	2023/24 Actual performance
% of default judgements	N/A	N/A	N/A	8% (8/95)	3% (3/96)
% of success in defended matters	78% (57/73)	81.5% (44/54)	88.7% (55/62)	80% (76/95)	77% (74/96)
% of savings on amounts claimed	94.9%	99.8%	99%	98.1%	95.6%
% of civil actions dealt with within five days	99.1% (1 134/ 1 144)	99.9% (1 128/ 1 129)	99.5% (1 028/ 1 033)	98.8% (1 039/ 1 052)	99.8% (984/ 986)

Table 24: Summary of matters dealt with, 2019/20 – 2023/24

	2019/20	2020/21	2021/22	2022/23	2023/24
Number of civil summonses received	1 144	1 129	1 033	1 052	<b>986</b>
Number of civil trials	330	285	317	412	<b>418</b>
Number of delictual claims lost or settled	16	10	7	19	<b>22</b>
Number of motions dealt with	231	300	253	263	<b>252</b>

## Performance information – continued



### Magashule

Former Free State Premier Elias Sekgobela Magashule (accused 13) and 15 others are charged with a total of 74 counts involving R255m relating to fraud, corruption, money laundering and contraventions of the PFMA and the Asbestos Regulations issued in terms of the Occupational Health and Safety Act, 85 of 1993. The accused brought an application for the following:

- To have the court declare that the State did not comply with section 27 of the Prevention and Combatting of Corrupt Activities Act, 12 of 2004, that Moroadi Cholata is not a state witness, that the State is guilty of prosecutorial misconduct and that accused 13 is not an Executive Authority as defined in the PFMA
- To compel the State to disclose witnesses implicating accused 13
- To declare that accused 13 is entitled to know the case against him
- To declare that there is no prima facie case against accused 13.

LAD and NPS worked together to ensure a timeous response to the application as the defence objected to an extension. The application was successfully opposed and dismissed by the Supreme Court of Appeal. However, it is evident that 'Stalingrad tactics' are being adopted in the matter because there were more applications from other accused.

### Mathenjwa and Mncwabe

Two advocates, Raymond Mathenjwa and Ron Simphiwe Mncwabe, were granted direct access to the Constitutional Court to appeal a judgment relating to their appointment as DPPs and challenging the decision of the current President to appoint DPPs in the Northern Cape and Mpumalanga. The appeal was successfully opposed, with the court finding that the former President's appointment of the DPPs was not finalised and had no legal effect, and that the former NDPP had no statutory or implied authority to inform the applicants of appointments. There was no official notification of the appointment to the applicants by the decision-maker, and the decision of the previous President was preliminary and therefore subject to reconsideration and the principle of *functus officio* finds no application. The President does not have to satisfy 'a list of jurisdictional requirements' to make a DPP appointment. He may need to 'consult' with the Minister but, even so, the final decision remains his own. There was no obligation on him to explain why he did not give preference to candidates that his predecessor wanted to appoint. The power to dismiss is similarly an executive action that does not constitute administrative action, particularly in this special category of appointments. The President's decision was executive and not administrative in nature.



Adv. Elize Van der Berg

### Magudumana

The LAD successfully opposed an urgent application brought by Nandipha Magudumana against her return to South Africa, where she is facing charges related to the escape of the so-called 'Facebook rapist', Thabo Bester. Magudumana alleges that she was arrested and abducted by members of the SAPS in Tanzania on 6 April 2023. Based on this allegation, the applicant sought orders declaring her 'apprehension, arrest and abduction' in Tanzania and 'purported arrest and detention pursuant thereto' in South Africa to be null and void. The applicant sought: (i) a declaratory order declaring her arraignment in the Bloemfontein Magistrates' Court null and void; (ii) directing the orders and

warrants by which she was detained to be null and void; and (iii) a declaratory order that the applicant is entitled to be discharged from detention. On 5 June 2023, Justice Philip Loubser of the Free State High Court dismissed the application. He found the 'deportation' was, in fact, a 'disguised extradition' but the applicant willingly consented to leave the country.

## Key cases



### Khama

The former president of Botswana, Seretse Khama Ian Khama, brought an application against the NPA, as well as the Ministers of Justice and Correctional Services, Police and International Relations and Co-operation, related to a warrant of arrest for his possible extradition to face charges in Botswana. The applicant sought an order that section 5(1)(b) be interpreted to permit a magistrate to consider representations before issuing a warrant of arrest. Alternatively, that the section is unconstitutional as it infringes on the right to freedom and security and to a fair trial. The court found that section 5(1)(b) cannot be stretched beyond its reasonably capable meaning. The magistrate's role is to determine if there is sufficient information before him/her for the arrest of the person, that the offence is extraditable, that the extraditable offence was committed within the jurisdiction of the foreign state, and that if this offence had been committed in South Africa, the issue of a warrant would be justified. The extradition decision lies solely with the Minister. To give the magistrate powers to consider representations would expropriate to the magistrate powers that lie within the prerogative of the Minister. The section is not unconstitutional because representations can be made to the Minister. The application was dismissed.

## Stakeholder engagements

The LAD has maintained good relations with its stakeholders. However, challenges within the Offices of the State Attorney throughout the country had a significant impact on the work of the LAD. Two former state attorneys were employed as liaison persons to address the NPA's concerns on problem files. This proved hugely successful, but capacity constraints meant that the initiative came to an end.

The SDPP undertook a training initiative in conjunction with the bar council to upskill prosecutors in civil litigation and this will continue into the next year. It is hoped that this training initiative will improve the prosecutorial decision-making process and minimise exposure to litigation.

The LAD worked closely with the NPS and the Department of Home Affairs to ensure a consolidated approach for handling matters in which illegal immigrants want to apply for asylum. Guidelines were issued by the NPS, and the courts referred to this proactive approach.

The decision of the Lower Court Committee that only transcripts for appeals and reviews will be provided in the Eastern Cape was resolved in conjunction with the DoJ&CD. As a result, transcripts will be provided to defend civil claims.

## Capacity

The staff establishment has not increased. Creating and filling regional posts would have allowed the unit to decentralise certain functions, reducing the workload and increasing accessibility to LAD services, but this process has unfortunately been placed on hold due to fiscal constraints. On a positive note, DPP nodal points have been sensitised on their role in establishing stakeholder relationships and have begun participating in police and state attorney fora.

The lack of a digitised system at the NPA delays the speedy finalisation of matters as the tracking and location of files is cumbersome. The LAD is working with ISM to procure a system that will address this need. This will be coupled with a total overhaul of business processes and operating systems to improve the overall management and oversight of LAD operations. Unfortunately, a registry has not been implemented due to lack of administrative capacity.

## Performance information – continued

### ENVIRONMENTAL CRIME



#### State v Dihlabeng Municipality (Free State)

The municipality contravened a directive that ordered the closure of an unlicensed waste dumping transfer station. The municipality, as represented by Mohau Kenneth Ntheli (the Municipal Manager), entered into a plea agreement with the State after extensive negotiations regarding the terms. The municipality was sentenced to a R5 million fine, of which R2 million was suspended on specific conditions regarding the rehabilitation of the environment.



Regional Prosecutor  
Lot Mgiba

#### State v Makhubela (Mpumalanga)

On 3 December 2014, rangers from Pretoriuskop Section in Kruger National Park investigating the movement of poachers detained Terrence Patrick Makhubela. Three other suspects managed to escape. Rangers found six live rounds of ammunition in Makhubela's possession, as well as a rifle, a bag with fresh rhino horn and an axe nearby. They also discovered a fresh rhino carcass.

The accused was arrested, granted bail and absconded. He was re-arrested after a warrant of arrest was issued. DNA evidence confirmed that the rhino horn found at the crime scene belonged to the fresh rhino carcass. The ballistics report showed that the bullet found in the carcass was fired from the rifle that had been in Makhubela's possession.

The Skukuza Regional Court convicted and sentenced Makhubela to 20 years' direct imprisonment for trespassing in the park and killing a rhino, as well as possessing a firearm, a dangerous weapon and ammunition.



Adv. Manesh 'Yuri' Gangai

#### State v Wood Glaze (Pty) Ltd (KwaZulu-Natal)

In 2012, Durban company Wood Glaze bought land in Phoenix from the eThekweni Municipality. They envisaged using the land to build low-cost houses for disadvantaged and impoverished communities. However, the company filled wetland on the property with gravel and rubble to build platforms on which the houses were constructed. This caused parts of the wetland to erode, affecting the wetland and its buffer area.

In its plea, Wood Glaze conceded that they did not obtain permission from the Department of Environmental Affairs prior to depositing waste material into the wetland, negligently committing an act that has caused significant pollution and degeneration of the environment.

After pleading guilty, the Durban Regional Court fined the company R1.875 million per count (a total of R7.5 million) of which R1.250 million per count was suspended for five years. The company had to appoint a multidisciplinary, specialised team to effectively rehabilitate the wetland within 60 days of the court order.

## ACTIVITIES OF THE DIRECTORS OF PUBLIC PROSECUTION



### Eastern Cape

#### Key achievements

The Division boasts 11 TCC sites that deliver justice to the most vulnerable members of the community. The Cradock TCC at the Cradock Provincial Hospital is the most recent addition.

Additional High Courts have been established to deal with the serious and complex commercial crime matters that have been identified as a priority. Despite the resource challenges, the Division enrolled three high-profile complex commercial crime cases in the High Court.

In the Gqeberha Cluster, a team of prosecutors, who became known as 'SCCU Lite', was set up to deal with all commercial crime matters not dealt with by the SCCU. Prosecutors on this team received training from SCCU advocates as well as individual sessions on challenging matters. SCCU Lite mirrors the workings of SCCU and deals with all commercial crime cases in the Cluster from the time the matter

is received as a decision docket until it is eventually finalised on the court roll. This has resulted in more commercial crime matters being finalised in the Regional Courts. Prosecutors who dealt with these matters were ear marked and seconded to the SCCU. Many of these prosecutors have been appointed as state advocates at the SCCU while a new batch of SCCU Lite prosecutors were trained to take over. This has become a best practice and has encouraged other Chief Prosecutors to set up a similar unit in their Clusters to ensure that these commercial matters do not fall through the cracks.

#### Key challenges

The finalisation of complex and high-profile matters is a significant challenge.

Interlocutory applications brought by defence counsel have resulted in several delays and postponements in high-profile trial matters. The lack of counsel from Legal Aid South Africa has also contributed to fewer High Court trials being

## Performance information – continued

finalised. This was raised in stakeholder meetings with the judiciary and court roll planners, and pre-trial conferencing is being strictly adhered to before a trial date is set.

Constant outbreaks of tuberculous, lice and other infectious diseases in prisons has caused delays in trial matters. Accused in gang matters firing their counsel on the date that the trial starts delays proceedings. The killing of witnesses to prevent their testimony was also an issue.

Loadshedding, water shortages and connectivity issues affected court hours. Stakeholders committed to working around the loadshedding schedule to keep the courts going, especially at courts with no generators. The DoJ&CD server is unreliable, hampering communication with prosecutors and hindering capturing cases on the electronic system. Prosecutors have been encouraged to obtain data allowances to alleviate this issue.

There is a lack of accommodation for prosecutors at the various courts and the DPP office.

With the Eastern Cape named the most violent province in the country, the OCC has a huge workload. Efforts have been made to transfer skills through pairing with experienced prosecutors and moving more experienced Regional Court prosecutors into the OCC.

### Stakeholder engagements

The District Efficiency Enhancement Committee (DEEC), Regional Efficiency Enhancement Committee (REEC) and PEEC meetings were used as opportunities to raise and address challenges with different stakeholders. Smaller groups of stakeholders undertook site visits to experience the challenges and develop solutions to resolve the issues.

The Acting Judge President has agreed to have a roll management meeting before the start of each term. In these meetings, the rolls of the four High Courts are discussed with the roll planners and the challenges posed by a shortage of judges are addressed. This engagement has proved to be effective, and priority is given to long-outstanding, part-heard matters.

### TIP Rapid Response Team:

Meetings with SAPS, the Department of Home Affairs and NGOs were held to share information on TIP and guide investigations. Joint planning with stakeholders and community initiatives ensured uniformity in the messaging. All parties meet to plan the approach when a new case of trafficking is reported, with priority given to supporting the victims, gathering evidence and enrolling the matter.

### Business Safety Steering Committee Forum:

Businesses, the NPA and SAPS form part of a group that drafts strategies geared towards a safer Nelson Mandela Bay. The Eyes to Ears Project aims to set up a Command Centre involving SAPS and security companies. The farming sector has agreed to fund this project. The Consumer Council Retail Industry has also agreed to share their records on hijackings, business robberies, etc., and has offered to set up a database for the province.

### Extortion Forum:

With the increase in extortion cases, where businesses are forced to pay protection fees, the Extortion Forum meetings are a collaboration between SAPS, the NPA and the Bargaining Council Civil Engineering Industry and are aimed at sharing information and databases.

### Performance

The consolidated performance information for the region is shared monthly, with each office comparing its performance with the next office.

### Steps taken to address blockages impacting performance in the Division:

A lack of skilled prosecutors in the specialised units have resulted in some serious cases being lost and hesitance to take such cases to court. Contract appointments were not sustainable as skills were not transferred effectively. The Division embarked on a skills-transfer programme where Regional Court prosecutors were seconded to the various specialised units and DPP offices. They were paired with experienced prosecutors, and many made second chair in these cases. Areas where prosecutors lacked knowledge and practical skills



were identified. In-house training on the identified areas was presented by a team of senior and state advocates from the DPP offices. The training was practical and referred to cases won and lost by the Division in the High Court.

Bail applications took up considerable court time in the Magistrates' Courts, with many decisions being overturned on appeal. Prosecutors who dealt with bail applications were encouraged to attend the bail appeal with the advocate to enable the prosecutors to understand why bail appeals were being upheld.

Prosecutors requested a practical training session to improve screening and challenges experienced in Regional Court prosecutions. A two-day training session for 43 prosecutors was hosted on a variety of topics. Senior prosecutors reported an improvement in the capabilities of the docket screeners.

Chief Prosecutors have a Chiefs Forum and WhatsApp group to support each other, share challenges and find solutions. The Chief Prosecutors aid other Clusters where there is a shortage of staff.

#### Community prosecutions:

There are eight community prosecution sites in the Division, each with its own focus. Motherwell, Gelvandale and Humansdorp focus on gangsterism; Mdanstane focuses on illegal taverns and drugs; Msombomvo, Mount Ayliff and Gangelizwe focus on GBV, ukuthwala and initiations.

During an Imbizo at Ethambeni in King Williams Town, the community complained about a man who was terrorising the community and not being dealt with by the SAPS. In collaboration with the NGO 'Let's Find Them', the man was arrested for attempted murder and arraigned in the Regional Court for trial. The community prosecutor worked with community members to draft a petition, which was handed in during the bail application and resulted in the accused being denied bail.

In June 2022, the Enyobeni Tavern hosted a birthday party for two popular DJs, advertising that free alcohol would be served at the entrance. Doves

of teenagers flocked to the venue, which was not big enough to accommodate the numbers, and 21 children died. Community prosecutors embarked on several ongoing programmes at schools in the area to educate the youth on the consequences of under-age drinking. Community prosecutors also advocated for the Liquor Board to address the issue of under-age children entering taverns in their regulations, which it did.

#### Prioritisation practice and policy:

GBV in the Eastern Cape has reached staggering proportions. All intimate partner femicide cases are referred to the four DPP offices so they can guide investigations and ensure that the matters are trial ready within the shortest period.

The DPP issued a circular to align the processes between the High Court divisions and guide prosecutors who are new to the Division.

#### Amplifying the NPA's influence and voice within the JCPS:

Through various stakeholder meetings and engagements, the Division continues to advocate for synergy in identifying and dealing with priority matters.

#### **Communications**

The Division's successes are shared internally and externally. WhatsApp groups are used internally to ensure effective communication.

#### **Use of electronic systems and digitisation**

The use of MS Teams meetings both internally and with external stakeholders has reduced costs in travel and accommodation. Loadshedding remains a challenge, with two or three participants losing connectivity at any given time during the meeting. PEEC meetings have also been conducted via MS Teams.

#### **Capacity**

The region has a vacancy rate of 16% with only 561 of the posts filled.

## Performance information – continued



### Free State

#### Key achievements

The provincial GBVF Priority Task Team established in 2021 has had a positive impact on the prosecution of GBVF. The Task Team consists of senior provincial NPA and SAPS officials. The team continues to enhance the quality of investigations and prosecution of GBVF cases, as well as their speedy finalisation. The team visited all the districts and TCCs, meeting with NPA staff and SAPS local management on factors affecting the effectiveness and efficiency of investigations and the successful prosecution of cases. Case dockets are screened, and the dockets of cases withdrawn and struck off the roll are reviewed with a view to re-enrol. The work led to the establishment of the TCC at Elizabeth Ross Hospital in Qwa-Qwa.

The Division responded to the NPA's prioritisation of corruption and corruption-related matters by creating dedicated cluster prosecution teams to

deal with corruption and corruption-related cases falling outside the mandate and case selection criteria of the SCCU.

Adv. Ferreira attended the elite International Law Enforcement Academy at Roswell in New Mexico, US, in June 2023. Adv. Ferreira was invited to do a case presentation on *State v Jimmy Mashopane*, an organised environmental crime case involving the poaching of 15 rhinos at a nature reserve. The presentation was included in the International Law Enforcement Academy course material as a 'success story' in dealing with organised environmental crime, including money laundering. The relationships built with high-ranking delegates from five other African countries (Botswana, Namibia, Niger, Democratic Republic of Congo and Zambia) is ongoing and the Director of Public Prosecutions in the Democratic Republic of Congo requested advice from Adv.

Ferreira on certain environmental matters. Due to the close relationships forged, Adv. Ferreira has been able to assist the other African delegates on multiple occasions with cross-border crimes that spilled over South African borders.

### Key challenges

The current cost containment measures announced in August/September 2023 have had a particularly severe impact on the province. Vacancies remain unfilled, with existing prosecutors having to shoulder the additional burden.

Load shedding, water challenges and poor infrastructure have been devastating on court rolls and court hours. Only a few of the main courts have generators. High Court cases are transferred to Bloemfontein as the court building has limited loadshedding.

### Stakeholder engagements

During September 2023, training on the National Water Act, 36 of 1998, was conducted at the DPP office for 18 prosecutors. The Department of Water and Sanitation expressed their gratitude and indicated that the Free State was the first province to release many prosecutors to attend training on water pollution and related issues.

The Trio Crimes Forum underwent joint training with SAPS. The following topics were covered in the training: forensics, DNA, crime scene investigation (Local Criminal Record Centre), cell-phone analysis, money laundering and cyber-crimes. Judge Molitsoane from the Free State High Court presented on the roles of the prosecutor and SAPS officers in such cases.

Outstanding J88 medico-legal and post-mortem reports contribute to cases being withdrawn or struck off the roll. The GBVF Priority Task Team compiled a list of cases and engaged with the Department of Health at a provincial level. There has been a significant improvement, with many cases re-enrolled and speedily finalised (often within six months of being re-enrolled). Nodal points have been set up at hospitals and every police station to collect J88s. Social workers are present in some courts to address withdrawals at the request of complainants in GBVF cases.

### Performance

Performance is closely monitored and interrogated during the bi-monthly provincial management meetings. An Anti-Corruption Task Team, Stock Theft Forum, Essential Infrastructure Committee and Trio Crimes Forum were created to prioritise focus areas. In the three years since the Anti-Corruption Task Team was established, a total of 187 matters have been finalised with a conviction rate of 87.7%.

Dedicated docket screening teams were dispatched to identified offices to address challenges and thoroughly prepare dockets, reduce turnaround times and increase conviction rates. These included the Phuthaditjhaba Murder Project, the Excessive Speeding Project and the Sexual Offences Project.

The High Court roll is planned well in advance and closely monitored in collaboration with the office of the Judge President and issues are addressed immediately. There is currently no backlog in appeal cases in the Division and the criminal trials in the High Court are carefully managed. A pre-trial conference is held by a judge in respect of each matter on the court roll to ascertain the readiness of the case and to address any other issues that may cause delays. Sections 105A and 212B, as well as other tools in the CPA are fully utilised where appropriate. The Division has not been restricted by the term and recess periods – it is not seen as a barrier when possible dates for a matter fall within the recess. The Division was the first to successfully lead witness testimony virtually.

The region ran two 100-day Maintenance Challenges in the past five years, yielding excellent results. During the first challenge at the Bloemfontein Court, the finalisation rate for maintenance enquiries improved from 51% to 74%, and 82% of the backlog cases were finalised. The second challenge included a variety of courts. At the end of 100 days, Bloemfontein achieved a finalisation rate above 81%, and the finalisation rate improved from 60% to 72% in Welkom, 51% to 63% in Phuthaditjhaba and 52% to 73% in Odendaalsrus.

## Performance information – continued

### Community prosecution:

The Division currently has five operational community prosecution sites: Mangaung, Sasolburg, Bloemspruit, Botshabelo and Heidedal (to be replaced by Bethlehem).

Since the inception of this initiative, the following has been achieved:

- 39 community outreach events/Imbizos were conducted to share information on GBV, drugs and substance abuse, services offered by the NPA and the role of a community prosecutor
- 22 school outreach events were held where learners were educated on bullying, drugs and substance abuse, the importance of recognising and reporting domestic violence, gangsterism and violence within and around the school vicinity
- 19 interdepartmental meetings were held with SAPS, the Departments of Education and Social Development, the Public Protector, the Human Rights Commission and various NGOs and non-profit organisations to discuss criminal irritants
- Joint operations with SAPS resulted in 53 alleged drug houses and 25 shops being searched, 20 arrests made and two cases for possession of drugs finalised.

Two radio presentations were conducted with Motheo FM (covering violence in schools, the dangers of drug use, abuse and domestic violence) and Metsimaholo FM (covering drugs and substance abuse, maintenance and GBV).

In collaboration with the TCC and Court Preparation Office, informational pamphlets for victims of rape and/or sexual assault were pasted in the female toilets of taverns and night clubs and on the walls of hair salons in the areas of Mangaung, the infamous Small Street and 2<sup>nd</sup> Avenue.

### Prioritisation practice and policy:

The successful prosecution of corruption remains a priority. The focus on government and municipal-related corruption resulted in 31 government officials and 61 private sector individuals being convicted of corruption in 2023/24. Ten prosecutions involving money laundering were instituted.

### Service delivery improvement:

The CPOs conducted 16 303 court preparation sessions across the province. Counselling referrals were made in cases involving children or victims of sexual offences. The Department of Correctional Services has been encouraged to use Victim Impact Statements when the offender is considered for parole. In courts, 532 Victim Impact Statements were facilitated and 304 were used by prosecutors.

The CPOs in the Welkom Magistrates' Court personally contributed to buying toiletries for the TCC in Bongani Hospital and for a safe house (Goldfields Family Advice Organisation) that accommodates victims of domestic violence, GBV and human trafficking.

### Communications

For the 2023/24 financial year, the Division was allocated a radio slot every Thursday evening with Setsoto Community Radio Station.

The *DPP Speaks* media briefing was held in October 2023 and addressed the following, amongst others:

- The 'Asbestos' matter, which is before the High Court, and related extradition of Cholota from the US, the outcome of which is pending
- The Thabo Bester matter, in which the indictment has been served on the accused and the case has been transferred to the High Court
- The Kestel murder of seven women on a farm, which is on the High Court roll in Harrismith
- The murder of Mamello Thamae (Regional Court magistrate and acting judge), in which the extradition application has been processed and the suspect (her husband) is currently before the court in Lesotho.

Due to the high numbers of sexual offences emanating from taverns, a tavern poster setting out a step-by-step visual representation of the services rendered at the TCCs was designed. It was introduced to Mangaung tavern owners in August 2023 and over 100 taverns and some high-end night clubs in the Free State are currently displaying these posters.

The SOCA staff created a school video covering topics such as rape and sexual assault, child pornography, sexual offences and what and how to report such offences. The video has been received with enthusiasm.

#### Use of electronic systems and digitisation

The lack of infrastructure, connection instability and loadshedding hampers the roll out of electronic systems in the province.

#### Capacity

On 1 April 2023, the vacancy rate was 9.63% for an establishment of 342. As of 31 March 2024, the vacancy rate had decreased to 8.29% and the establishment had grown to 362 posts.

#### Staff morale and wellness

Employee Wellness Programme (EWP) events were arranged and well attended. Hiking at the botanical gardens, stress relief sessions, debriefing sessions (particularly for CPOs and on the loss of a colleague), chair massage in the office, wellness monitoring and regular informal staff get togethers were held. EWP roadshows took place at the cluster level, and there were EWP visits to officials on long-term incapacity. Unfortunately, no sports day was held due to lack of funds.

#### Budget

All activities were achieved despite a constrained budget. Vacancies at one-man-stations remain a burden on the budget as prosecutors from other stations must travel to do the court work there.



## Performance information – continued



### Gauteng: Johannesburg

#### Key achievements

Despite reported crime statistics clearly indicating that Gauteng is the crime capital of South Africa when it comes to serious, violent and organised crime, the resolute staff within this Division continued to make inroads into this crime scourge.

Great strides have been made towards increasing the number of successful prosecutions against corruption for both government officials and private persons. In the 2023/24 financial year, 17 government officials and 35 private sector individuals were convicted of corruption.

Over the last five years, the Division has followed a strong victim-centric approach, with a focus on court preparation for victims of crime. There was an increase in the use of Victim Impact Statements despite a decrease in the number of CPOs. The Division has relied on ADR mechanisms to resolve criminal cases that meet predetermined criteria to

avoid clogging up the formal criminal justice system. However, the lack of adequate diversion options for adult offenders remains a challenge.

The Division remains at the forefront of jurisprudence with decisions such as the *Lembore* and others judgment, which gave clarity on the interpretation of the Constitutional Court judgements in *Abore* and *Ashebo*. The Court found that the mere expression of an intention to apply for asylum does not entitle a person to be released from detention where s/he is being detained for contravention of the Immigration Act. The Department of Home Affairs is willing to deal with foreign nationals being in the country illegally at an administrative level when no other offences are involved. This will reduce the burden on the courts.

#### Key challenges

Five years ago, no one foresaw the devastating impact that the COVID-19 pandemic would have on the speedy delivery of justice. Even four years down the line, outstanding rolls, the number of backlog

cases and number of finalised cases have not yet been reduced to pre-COVID numbers.

The impact of loadshedding on the operations of the courts remains a huge challenge. In addition, unscheduled power and water outages because of damage to infrastructure has led to the closure of courts. Conditions in the Magistrates' Courts remain very challenging, with a lack of infrastructure maintenance, unstable and unreliable network connectivity and a shortage of suitable office accommodation.

The quality of investigations and management of case dockets by SAPS and DPCI is a challenge. The roll planning by the judiciary is also a challenge, with too few cases enrolled for trial per day.

The Division is experiencing a high number of vacancies in the Regional Courts, which are responsible for adjudicating the bulk of the cases that affect the public's perceptions of safety, including serious and violent crimes.

A drop in the High Court rolls followed a reduction in the number of High Courts available for criminal matters. Budgetary constraints have prevented the appointment of permanent and acting judges. At the time of this report, there are only 10 High Courts in session in the Division.

Outstanding rolls in both Regional and District Courts have risen exponentially over the past five years, with the Regional Courts about 20% higher than at the end of 2019/20 and the District Courts about 30% higher. This is despite the number of new cases remaining on par with previous years. The number of backlog cases remains a concern, particularly in the Regional Courts, where an upward trajectory has been noted.

### Stakeholder engagements

The Divisional Annual Operational Planning and Stakeholder Conference offered the opportunity to engage with stakeholders. Stakeholders were made aware of the Division's operational targets and strategies, and the steps being taken to find tangible and measurable solutions to operational challenges. The conference was attended by law enforcement and the Departments of Home Affairs, Correctional Services and Community Safety.

The Division engages with key stakeholders in the PEEC, NEEC, REEC and Case Flow Management meetings in all tiers and districts. One of the standing agenda items is the consideration of reasons for roll collapse.

### Performance

#### Community prosecution:

The Division has six fully operational community prosecution sites. The initiative plays an important role in addressing the presumption that crime and criminals are not being dealt with and is a useful tool for reaching and educating communities on the function of the NPA.

The initiative has resulted in, among others:

- The closure of illegal liquor outlets
- The referral of addicts for rehabilitation
- The roll out of the 'Drug Free Programme' in schools
- The successful prosecution of an accused for the widely publicised sale of prescription medication (mixed with cough medicine) to children
- The arrest of drug dealers based on information obtained from learners during an awareness session at a school
- A roadshow to implore dealers in second-hand goods to comply with legislation.

#### Prioritisation practice and policy:

Portfolio managers and Chief Prosecutors were assigned the responsibility of drafting, implementing and monitoring a prioritisation plan to improve performance, specifically relating to the priority crimes identified for the region. There has been an improvement in the finalisation of the priority cases.

#### Service delivery improvement:

The Division adheres to the service standards set by government. Staff deliver services in a professional, courteous, efficient and cogent manner.

#### Amplifying the NPA's influence and voice within the JCPS:

The Division actively participated in the Provincial Joint Operational and Intelligence Structure (PROVJOINTS) and the divisional Law Enforcement Stakeholder Engagement meetings. Training of officials from the Johannesburg Metropolitan

## Performance information – continued

Police Department and the Department of Home Affairs illustrates the leading role the Division's management has taken within the JCPS.

### Communications

The Division continued to make use of media platforms through the office of the Regional Communications Manager. The internal and regional bulletins, *Khasho* and *Viva Engage*, were utilised to communicate successes and important information to staff.

Social media, the NPA website and numerous media engagements were used to communicate with external stakeholders and the community. There was an increase in the number of media engagements at a divisional level, with the Regional Communications Manager increasing her visibility in the print and broadcast media.

### Use of electronic systems and digitisation

The *Viva Engage* prototype, which was developed in this Division in conjunction with ISM over the past few years, has now been rolled out nationally.

### Performance

The Division managed to attain its targets in 15 out of 19 indicators (78%), with one indicator being a baseline indicator. The three indicators not achieved were: the conviction rate in trio crimes prosecutions; number of government officials convicted of corruption; and conviction rate in cases involving damage to essential infrastructure. The conviction rate in trio crimes prosecutions and number of government officials convicted of corruption have been an on-going challenge for the Division over the past five years.

The shadow of corruption and state capture continues to loom over the Division. Yet great strides have been made towards increasing the successful prosecution of corruption for both government officials and private persons.

The decrease in performance for prosecutions involving damage to essential infrastructure is of particular concern. More focused interventions and training sessions for both prosecutors and investigators will be facilitated through the Regional Training Forum in consultation with stakeholders.

The Division continued to be a forerunner in dealing with organised crime, specifically environmental crime, illicit mining and specialised tax prosecutions. Performance in complex commercial crime has shown an upwards trend over the past five years, with the conviction rate in complex commercial crime being met.

### Capacity

At the end of March 2023, the vacancy rate was 9.8%. At the end of February 2024, the vacancy rate had increased to 11.5%, with the highest percentage of vacancies being at State Advocate level (47.6%), followed by CPOs (41.7%) and Regional Court prosecutors (14.6%).

### Training

Training was aligned to the priority crimes faced by the region:

- Trio crimes prosecutions
- Sexual offences prosecutions
- Cybercrime prosecutions
- POCA prosecutions
- Essential infrastructure prosecutions.

Seventeen training sessions related to these priority crimes benefitted 333 prosecutors. In-house experts were used in 12 of these sessions.

In total, 73 training sessions were facilitated, benefitting 779 prosecutors.

### Staff morale and wellness

The implementation of the revised remuneration model for SMS members has lifted their morale within the Division. However, the average prosecutor is struggling, with financial stress adding to the mental burden associated with prosecution.

A Divisional Sports Day was organised and hosted through the EWP.

### Budget

The Division spent 96.02% of the allocated budget on compensation of employees. Diesel for the generator at the Office of the DPP became a source of huge expenditure during the period. Due to budget constraints within the DoJ&CD, stationery was supplied to the Magistrates' Courts prosecutors from the office of the DPP, adding to the financial strain experienced in the Division.





## Gauteng: Pretoria

### Key achievements

The Division has seen marked and significant improvements in the achievement of performance target indicators over the period 2019/20 to 2023/24. There has been an increase in the number of cable theft cases finalised from zero in 2020 to 30 in 2021, 53 in 2022, 75 in 2023 and 92 in 2024. This is significant as this crime affects businesses, public infrastructure and ordinary people in their private spaces. The conviction rates in complex tax and organised crime prosecutions have been consistently high.

The Division has been very successful in prosecuting TIP cases which, by and large, end in convictions and lengthy prison sentences. Two specialist prosecutors in TIP attended a Human Trafficking and Child Exploitation Executive Policy and Development Symposium at the International Law Enforcement Academy in New Mexico, US. The symposium was entitled 'Making the Southern African Development Community Region Safer from Human Trafficking and Child Exploitation'. The knowledge gained from the symposium will strengthen the region's capacity to fight TIP within the context of organised crime.

### Key challenges

The region has faced many persistent challenges over the past five years. The COVID-19 pandemic and load shedding severely impacted the Division's finalisation rate. Vacancies at a senior management level led to staff being overburdened with multiple portfolios. Generally, the finalisation rate has dropped despite court hours being maintained.

Due to the complex nature of organised crime and complex commercial crime cases heard in the Regional Courts, these matters take longer to finalise and often require evidence from numerous witnesses, including expert witnesses. Interlocutory proceedings are also regularly brought into these matters, causing further delays. Despite these challenges, the outstanding court roll at the SCCC in Pretoria has significantly reduced: from 245 cases at the end of October 2021 to 155 cases at the end of February 2024. The SCCU currently focuses on serious corruption and state capture matters, which makes it difficult to address the delays.

## Performance information – continued

### Stakeholder engagements

Over the last five years the region has consistently engaged with SARS on matters dealt with by the STU. There has been an increase in the number of cases enrolled and finalised, as well as in their complexity. SARS is referring cases sooner, which allows the NPA to guide the investigations for meaningful results.

The OCC engages the DPCI monthly. The positive spinoff from these meetings is that prosecutors play a role before a case is registered as a project and continue to make inputs until the project is terminated. A few significant projects have been successfully terminated, such as Project Gillet involving illegal mining. The AFU confiscated assets in four different preservation orders with a combined value of R21m. The orders have now been made final. Nine accused persons have been charged with at least 25 counts of money laundering, most of which are stand-alone money laundering charges. The NDPP has authorised racketeering charges, which will enable the prosecutor to charge all the accused together and prevent them from raising a misjoinder defence.

### Performance

The Division has achieved 12 out of 18 planned indicator targets in the year under review.

#### Community prosecution:

The two community prosecution sites in Mamelodi Magistrates' Court and Brakpan primarily focus on reducing GBV. Public awareness campaigns with members of the public and at schools were conducted, as well as on radio talk shows. A partnership with NGO NICRO, which has an Intimate Partner Violence Programme, has proved successful.

#### Prioritisation practice and policy:

The Division prioritised the prosecution of drug-related offences and obtained a SAPS CI analysis on drug dealers/syndicates to inform a strategy to deal with the kingpins of these crimes. A project was also initiated to increase the successful prosecution of trio crimes. Additional projects targeted contact

crime in Mamelodi, GBV and corruption by public officials. To increase the use of confiscation orders, prosecutors in the Magistrates' Courts and the DPP's office were trained on the use of section 18 of POCA.

#### Service delivery improvement:

The Deputy Director responsible for court preparation conducted a survey to evaluate court preparation services. Fifteen surveys per court per month per CPO were carried out to understand service users, including: age group; the crimes they are entering the criminal justice system for; how they feel about court preparation services; whether they understand the information given to them; whether they could find the service in the court; and what, in their opinion, are the top crimes in their residential area. The outcome of the survey will be used to inform planning to improve service delivery in the Division.

In the area of GBV, there has been a huge reduction in the backlogs relating to ballistics, DNA and other forensic reports due to collaboration between the NPA and SAPS.

#### Amplifying the NPA's influence and voice within the JCPS:

The Division participated in 19 events and outreach programmes throughout the year. During child protection month in May 2023, the Division – in partnership with the Department of Social Development – was granted permission by the Department of Education to visit six schools in and around Brits. The learners were educated about the court preparation service, sexual offences and criminal justice services. During youth month and women's month, the NPA partnered with the Tshwane University of Technology to conduct two GBV events at the Soshanguve campus. For heritage month, the Division participated in a JCPS cluster services fair event coordinated by the Government Communication and Information System in Randfontein – different stakeholders, including SAPS and the Departments of Social

Development, Correctional Services and Health, provided services to the community. In November and December 2023, the Division organised eight outreach programmes with NGOs and cluster departments for the 16 Days of Activism events.

### Communications

The region provided media releases on high-profile cases and contributed articles for internal publications, such as *Khasho*. The Division uses an internal bulletin emailed to staff in the Division. Media 24 was also engaged to profile the work of a few prosecutors from the Division – the first initiative of its kind in the Division.

### Use of electronic systems and digitisation

A Business Intelligence tool is used to verify reported performance information. The Division held a Performance Information Workshop, where attendees were trained on how to use the tool to access reported information.

### Capacity

At the beginning of the financial year, there were 36 vacancies in a total establishment of 436, with a vacancy rate of 8.26%. Currently, there are 51 vacancies in a total establishment of 439, with a vacancy rate of 11.6%.

There has been a decline in the number of Regional Court prosecutors due to several internal promotions to ID.

### Staff morale and wellness

The DPP's office has an active social club that holds events on special days such as Valentine's Day, Human Rights Day, Good Friday, Youth Day, Mandela Day, Women's Day and Heritage Day, as well as an end-of-year function to boost staff morale. It also offers bereavement support to employees.

### Budget

The Division managed to keep expenditure within the allocated budget.



## Performance information – continued



### KwaZulu-Natal

#### Key achievements

The Division has made great strides in improving stakeholder relations proven to be beneficial to the Division.

Following a visit to the Ntuzuma Court in the Inanda municipal area by the Deputy Minister, a docket inspection was conducted, and a gap identified between reported sexual offences and the number of cases referred to court. The Department of Community Safety and Liaison's Court Watch Unit and SAPS were engaged to monitor overall performance in relation to sexual offences. The SAPS data is now aligned with that of the NPA. All new sexual offence dockets are sent to the NPA within 14 days of registration, and it is anticipated that the proper implementation of this resolution will lead to the prioritisation of sexual offence cases across the Division.

The DPP's office has assisted with prioritising the inquests relating to the KZN flood, in which many people died. The staff played an advisory role in declaring dead those people whose bodies have not yet been recovered.

#### Key challenges

The public unrest in 2021 had a significant impact on the operation of the courts. There was a sharp increase in cases that had to be dealt with by prosecutors under very trying circumstances. Not only was there a lack of fuel, food, water and electricity in many areas, but there were also threats against prosecutors, court staff and infrastructure. Through a coordinated response with other stakeholders, the Division managed to ensure that the rule of law was upheld. This unrest saw the DPP herself attending to court rolls in remote rural courts, and Chief Prosecutors arranging access to fuel and food for prosecutors and other staff.

There are low finalisation rates in the Magistrates' Courts and high backlogs in the Regional Courts. This situation was exacerbated by the COVID-19 pandemic. Loadshedding is an on-going challenge that is difficult to mitigate, especially given that KZN is vast and largely rural, and most courts do not have backup power options. The Judge President was engaged on the performance of the Regional Courts. Courts facing difficulties, such as the Regional Courts at Vryheid and Nquthu, were identified and the issues addressed. The REEC continues to address performance blockages at the Regional Courts.

There are also backlogs in the High Courts. The Division drilled into the backlog data and identified that complex organised crime and complex commercial crime matters contribute significantly to the case backlogs in the High Courts. This was raised directly with the Judge President. A prioritisation project has devised action plans to reduce the number of backlog cases in the High Courts.

### Performance

Performance management in the Division was prioritised via the now two-day Provincial Meetings of Senior Management (PROMANCO). Each manager/unit head presents the performance of their unit/cluster, makes tangible and measurable commitments on plans to improve performance and is accountable for the performance of their respective units. These commitments are followed up at subsequent meetings. A majority (75%) of the two-day session is focussed on performance improvement. The Division has managed a steady above-satisfactory performance and is expected to improve on this trajectory.

The successful prosecution of trio crimes, murder and sexual offences were a priority for the region. Unfortunately, there are no dedicated law enforcement task teams across the Division and there is no consistent use of forensic capability at all crime scenes. The lack of forensics as a critical evidence-gathering tool is a significant barrier to maintaining high conviction rates.

### Community prosecution:

The Division has five community prosecution sites: Inanda, KwaMashu, Ntuzuma, Plessislaer and Umzinto. In addition to these five sites, community

prosecution has been identified for the Verulam Court, Pinetown Court, the SCCU and in the Ladysmith cluster.

Project Hope, a murder prosecution project, is a hallmark project in the Plessislaer area. Following an initial inspection of 276 murder case dockets, the project has evolved to include several current murder cases. New cases involving the unlawful possession of a firearm are also being tracked. There have been many successes to date, including the enrolment of 18 murder cases and the finalisation of 55 cases through decisions not to prosecute. Of the 18 enrolled cases, five cases are to be indicted in the High Court. Eighty firearm-related dockets were received, eight cases enrolled and three are pending the issue of summonses. One matter was finalised in the same week as the first appearance and resulted in an eight-year prison sentence. There was a decision not to prosecute in five cases, and the balance is under investigation.

The Plessislaer site also installed or repaired 512 streetlights and installed 15 street cameras. The community has indicated that they feel safer as a result.

The community prosecutors at Verulam hosted a self-funded GBV community awareness session at the Tongaat Town Hall. They have also engaged several business and community organisations on GBV. In Stanger, the Senior Prosecutor is engaging with the Town Council on adopting municipal bylaws to address nuisance crime in the town. The Pinetown Court staff hosted the KwaSanti school pupils at a moot court and visited the school to inform the pupils about GBV.

### Prioritisation practice and policy:

The Division views housebreaking as a serious invasion of personal privacy deserving prioritisation. The Durban Cluster has adopted a housebreaking case project aimed at identifying common perpetrators and monitoring their prosecution, as well as identifying linkages between other crimes.

Both the Ladysmith and Port Shepstone clusters are focussing on the reduction of murder and the prioritisation of murder prosecutions. Both clusters have conducted docket inspections and identified blockages.

## Performance information – continued

The Empangeni cluster continues to deal with backlog cases as its prioritisation project.

### **Service delivery improvement:**

Young victims of sexual offence cases often attend court with little or no food and must wait a long time at court before giving evidence. The staff in the Ntuzuma cluster have engaged with SPAR to sponsor meals for these victims.

Redesigning the NPA/SAPS Terms of Reference has created formal platforms across the province to amplify the collective voices of prosecutors to streamline investigation processes and deal with various blockages to improve service delivery.

### **Amplifying the NPA's influence and voice within the JCPS:**

The Division is consistently represented at the Provincial Technical JCPS cluster meetings chaired by the Head of the Department of Community Safety and Liaison.

As the driver of Project Hope, the Chief Prosecutor of the Pietermaritzburg cluster has made representations to the SAPS Provincial Commissioner to appoint retired detectives to bolster the Task Team dedicated to the project.

### **Communications**

A WhatsApp group dedicated to engaging the media has been created. The manager posts all press releases and advisories to this group to update the media on the Division's high-profile cases and successful prosecutions. The media uses this to report on cases, creating public awareness. This group has become a reliable source of information for the media, as the NPA are able to advise on accurate information.

The following media interactions took place over the 2023/24 cycle: 125 press releases, 1 185 media queries, 160 radio interviews and 27 TV interviews.

### **Use of electronic systems and digitisation**

The clusters have recently utilised virtual connections to lead witness evidence in trials where the circumstances warranted this. These included the evidence of network service providers, evidence of a doctor in mitigation of sentence, evidence of a witness who was on long sick leave after he was diagnosed with cancer, and in a matter where the victims were 83- and 90-years-old and could not attend court because of the risks associated with COVID-19.

### **Capacity**

At the end of April 2023, the vacancy rate was 9.1%, with a total establishment of 762. At the end of March 2024, the vacancy rate was 12.3%, with a total establishment of 760. The vacancies are primarily in the District Courts and Regional Courts.

### **Training**

Training was conducted to address identified needs. Training on money laundering aimed to empower prosecutors from the Magistrates' Courts with skills to prosecute commercial crime cases that were no longer being referred to the SCCU.

### **Staff morale and wellness**

While there is room to improve staff morale, budgetary constraints limited the opportunities and options. Although a few debriefing sessions were conducted, the Division was not able to conduct follow-up sessions due to lack of funds. KZN is geographically vast, so meeting at a central venue means officials must travel far and often require accommodation. This has an impact on the budget. Wellness Champions have been appointed but they still need to be trained to assist officials on how to access wellness services.



## Limpopo

### Key achievements

The Division remains committed to the fight against fraud and corruption, organised crime and GBV in Limpopo.

Over the past five years, the Division has welcomed the establishment of much-needed specialised units, paving the way towards a focused and concerted fight against these serious and violent crimes. The SCCU, OCC, Environmental Crime Unit and STU are focussed on ensuring delivery in these specialised crime areas. Though the units are recent, their impact has already been felt and should make a meaningful contribution to addressing the FATF recommendations.

In a move to strengthen the work of the SOCA Unit in the Division, a DDPP has been assigned to oversee the effective and swift handling of sexual offences prosecutions.

The District Courts continued with their trademark of always achieving their targets. The effective use of ADR mechanisms continues to play a critical role in the speedy finalisation of cases in these courts. This performance is attributable to the high level of

commitment by the prosecutors of this Division and an indication of good staff morale.

High Court cases are prioritised to ensure speedy finalisation and the region boasts a high finalisation rate. Dedicated advocates who go the extra mile ensure that High Court cases are processed and trial ready. The DDPPs are hands on, giving the necessary guidance and support to the advocates.

Several high impact cases dealt with by the specialist components are set for enrolment soon.

### Key challenges

The performance of the Regional Courts remains a concern. However, many of the factors contributing to this situation are beyond the NPA's control. The primary contributing factor appears to be the delay in filling Regional Court posts, resulting in a reliance on acting appointments. The lack of urgency on the part of acting magistrates often results in backlog build-up.

## Performance information – continued

The low conviction rate in the prosecution of sexual offences is another challenge. The lack of dedicated sexual offences courts contributes to delays in the finalisation of sexual offence cases, resulting in distorted recollection of key aspects of evidence and loss of interest. This is exacerbated by delays in the finalisation of often poorly conducted investigations.

The Division has raised these concerns at stakeholder engagement platforms like PEEC, REEC and Case Flow Management meetings, and efforts have been made to find solutions and address the challenges. In one instance, a resolution was taken for a Regional Court, which was only sitting periodically, to operate daily. This resulted in improved case finalisation.

### Stakeholder engagements

Engagement with the head of the High Court resulted in improved planning by all parties and the smoother running of cases. In engagements with SAPS, it was brought to their attention that using outdated and constitutionally fragile pro-formas to record admissions and/or confessions made to the Justices of the Peace should be rectified. This resulted in a marked shift towards using more constitutionally compliant pro-formas.

### Performance

The Division adheres to the NPA standard performance management processes and closely monitors performance on a monthly and quarterly basis. As and when required, the performance data is made available to both internal and external auditors.

Constant engagements with relevant stakeholders are ongoing to improve in areas where targets are not met. The longer than expected turnaround time in the investigation of commercial crime cases has been identified as one of the factors preventing the Division from conducting high impact prosecutions of serious corruption cases. Regular meetings are scheduled to discuss blockages and map the way forward. The performance trends of the Division have been similar over the past five years, save for the decline in the High Court's conviction rate. A planned meeting with advocates prosecuting in the High Court will soon be held to discuss the downward trend.

### Community prosecution:

Five community prosecution sites have been established. Prosecutors were identified to work at the sites with local CPOs assisting. The Senior Public Prosecutor of community prosecutions responsible for coordinating these activities has since resigned, leaving an unfortunate gap. The appointment of a new community prosecution coordinator will have to be prioritised to take this initiative forward.

### Prioritisation practice and policy:

The AFU, SCCU, OCC and STU developed a strategy to ensure the AFU is involved in the prosecution of matters as early as possible. The impact will be closely monitored.

### Amplifying the NPA's influence and voice within the JCPS:

Meaningful participation and contributions in stakeholder's forums like PEEC, REEC, DEEC and Case Flow Management meetings offered great opportunities to amplify the influence and voice of the NPA in the JCPS.

### Communications

The inaugural *DPP Speaks* revealed the possibilities and impact of sharing the Division's news with the public through various media platforms, including social media. The areas covered included GBVF, fraud, corruption, organised crime, tax, asset forfeiture and serious and violent crimes.

The Division participated in outreach and awareness campaigns, including one on the 16 Days of Activism for No Violence against Women and Children. A men's conference was held together with SAPS at the Polokwane Correctional Centre. A community event was held at Thohoyandou Recreational Hall to address GBV in Vhembe district. Learners were taught about cyber bullying, GBV, bullying and sexual offences in various secondary schools in the province.

The Division also initiated radio interviews with various media houses where prosecutors talked about the criminal justice system and particularly the role of the NPA.



The Limpopo Newsletter presents the work of the prosecutors and the DPP WhatsApp group is also utilised to disseminate information. Facebook is used to share case outcomes with the public.

### Use of electronic systems and digitisation

ECMS and other digital platforms aimed at the digitisation of the Division are yet to take off due to a delay in training and challenges with the network and access.

### Capacity

There are 353 staff in the current establishment of 404, with a vacancy rate of 12.6%. All top and senior management posts were filled as of 31 March 2024.

There was a decline in filled prosecutorial posts due to retirements, resignations, deaths and appointments to other divisions. The clusters and the SCCU were severely affected as most of the unfilled posts are in these areas.

### Training

Prosecutors in the Division were trained on cybercrime, drafting heads of argument, child justice, malicious prosecutions and basic training in diversity. The goal of these training sessions is to address identified skills gaps and ultimately improve performance. In addition, the Division held in-house training that had been identified as needed by managers and prosecutors participated in training offered through donor funding.

### Staff morale and wellness

Staff morale in the Division was good despite financial challenges preventing several initiatives from being fully implemented, especially in relation to employee health and wellness programmes. However, several initiatives meant to bridge these gaps will be implemented in partnership with the Government Employees Medical Scheme, DoJ&CD and other relevant stakeholders and partners.



## Performance information – continued



### Mpumalanga

#### Key achievements

Mpumalanga was proclaimed a Division of the High Court on 1 May 2019. In May 2022, the first DPP, Adv. Nkebe Kanyane, was appointed in Mbombela. The Division also set up a local office headed by a DDPP to serve the High Court proclaimed in Middelburg.

Significant progress was made in a short time to increase the much-needed capacity to fulfil the needs of this vast province. In 2022, a sixth regional TCC was created at the Rob Ferreira Hospital in Mbombela. Four specialist units were established: SCCU, STU, OCC and AFU. A dedicated SCCC was also established.

The Regional Head of the SCCU represented the NPA on the International Cooperation Component of the Consultative Team tasked with drafting the Standard Operating Procedures as envisaged under section 26 of the Cybercrimes Act. The drafting was finalised and endorsed by the NDPP, DoJ&CD and

SAPS in different phases and dates until published in the Government Gazette on 6 October 2023.

#### Key challenges

Electricity interruptions (caused by both loadshedding and cable theft) and water shortages are major contributors to the courts sitting for limited hours. Witnesses come to court only for their cases to be postponed, which creates unnecessary costs. In some instances, court recording and transcription machines are broken due to loadshedding, resulting in records being lost. These records must be reconstructed manually.

Flexible time management using the Eskom loadshedding schedule was implemented in consultation and cooperation with other court role players. The DoJ&CD has committed to providing generators and JoJo water tanks, as well as drilling boreholes for some courts, to alleviate the situation.

The region is plagued by unstable and unreliable network connectivity. To mitigate the downtime caused by connectivity issues, staff were encouraged to use personal hotspots and Mimecast, and claim their expenditure under the cellular phone and data reimbursement scheme.

Other delays to the finalisation of cases include frivolous applications by legal practitioners and accused changing legal representatives. Lack of capacity in the judiciary, acting judges, the termination of acting magistrates' contracts and retirements have also contributed.

An infectious disease outbreak in the prisons prevented legal practitioners from gaining access to their clients and accused not being brought to court.

### Stakeholder engagements

PEEC meetings are held monthly and have been broken down into two REEC meetings chaired by the Judge President to deal with challenges. An action log has been created to track progress on matters concerning performance.

The region actively participates in an Eskom Task Team. This Task Team was established to analyse all the centralised dockets related to incidents that impact directly on the operations of Eskom and loadshedding, and to prioritise matters with guidance from prosecutors.

Further committees have been established to give priority to matters dealing with the theft of chrome and copper.

### Performance

The Division's performance is monitored and managed by the management team through quarterly performance reviews. Performance is analysed to understand why targets have not been achieved and to identify and agree on interventions. Resolutions are documented and progress tracked.

Cash-in-transit heists were reduced by SAPS and the OCC working together closely, particularly in relation to disrupting the sale of firearms to robbers.

### Community prosecution:

The Division currently has four community prosecution sites:

- KwaMhlanga (Witbank) – with a focus on stock theft
- Ermelo – with a focus on stock theft
- Mbombela (White River) – with a focus on GBV
- Emalahleni – with a focus on reducing essential infrastructure offences, including cable theft and its economic impact.

### Prioritisation practice and policy:

Organised crime, which is prevalent in the Division, remains a priority focus area. However, the OCC established in 2023/24 is under resourced and requires senior prosecutors to deal with the entire spectrum of organised crime in the Division.

With 12 of the 14 coal-fired power stations located in Mpumalanga, the prosecution of organised crime relating to essential infrastructure – particularly Eskom matters – was a key focus area. Asset forfeiture also plays a pivotal role in this space to ensure that the instruments as well as proceeds of crime are restrained and forfeited to the State. Organised crime such as rhino poaching, illegal mining, cash-in-transit heists and TIP also require special focus.

### Service delivery improvement:

The new TCC and STU significantly improve the services delivered to the people assisted by this Division. Two new DDPPs were appointed to bolster the capacity of the Division. The Division trained 24 aspirant prosecutors in 2022/23 and enrolled a further 21 the following year.

### Communications

The Communications Unit has become a strength of the Division. The Division maintains a database, categorised into print and electronic mediums, which is used to communicate organisational successes and the outcome of key cases to internal staff and the public.

## Performance information – continued

Social media has played a pivotal role in ensuring that the NPA reaches a wider audience. These platforms have been utilised to ensure that the successes of the Division receive both provincial and national coverage. The Communications Unit and SOCA in the Division hosted a successful Maintenance Webinar on 6 December 2023, which was covered by several media platforms.

The Division has formed a close relationship with various media houses where prosecutors are interviewed on diverse legal matters in different languages. The Division has engaged local communities to educate the public about the work of the NPA. This platform is also used to hear the views of community members and provide clarity on misconceptions that exist.

The Division's relationship with the Safer South Africa Foundation provides an opportunity to make high school children aware of the workings of the criminal justice system. In partnership with the University of Mpumalanga, the Division held a GBV awareness campaign in Mbombela in May 2023 – this was a result of the close relationship that the Communications Unit had helped to foster between SOCA and the University.



The Division's newsletter provides information on community engagements and performance indicators to the various clusters of the Division. This is supported by an internal bulletin that is frequently issued to inform members about the latest developments in the Division.

### Use of electronic systems and digitisation

MS Planner is used to track DPP priority cases in an efficient manner. The Business Intelligence tool is also utilised to generate performance reports for the Division.

SCCU has designed and introduced e-disclosure forms that help to cut costs and time when applying to make copies of dockets.

### Capacity

The Division had a staff establishment of 315 in the 2023/24 financial year. With 270 posts filled, the vacancy rate is 14.28%. The vacancy rate in the Mpumalanga AFU unit is 20%, with eight of 10 posts filled.

### Training

Joint training on essential infrastructure was held with affected stakeholders in Ehlanzeni, Gert Sibande and Nkangala regions. The aim of the training was to clearly define the roles of the stakeholders and to establish when the NPA must intervene in these types of crimes.

The Chief Prosecutors created training forums on trio crimes, which resulted in improved performance in this area.

Prosecutors in the specialist units attended training offered by the banks on the use and provision of financial records.

### Staff morale and wellness

Employees are encouraged to use the EWP hotline to tackle issues that may lead to low staff morale or productivity at work. Personal issues can also be addressed as they can impact the work of employees.



## Northern Cape

### Key achievements

The Division's management has been mindful that the empowerment of staff members is fundamental to their wellbeing and productivity. The implementation of the Division's Empowerment Drive Project in 2022 has delivered great results in addressing staff morale and employee wellness.

The Division's performance has been improving since 2019, with almost all indicators achieved in the 2022/23 and 2023/24 financial years.

The DPP was instrumental in the revival of the dormant provincial Development Committee, in which all service delivery blockages within the JCPS are discussed and resolved.

Filling the DDPP and Chief Prosecutor posts, which have been vacant for the past two years, have brought much needed stability to the region.

The AFU Kimberley embarked on a huge public awareness campaign in Springbok. The regional AFU obtained a freezing order in Springbok on equipment used for illegal mining to the value of R962 065. The seized equipment will be auctioned, and the money will be paid into CARA. Together

with SAPS, the AFU is in the process of investigating fixed properties that are involved in illegal mining.

### Key challenges

On 13 July 2023, the Galeshewe Magistrates' Court building was closed by the Department of Labour after a complaint by a union regarding the safety of the structure. This caused disruptions to crucial court services. The Galeshewe Court was reopened on 27 November 2023 and was then moved to the Kimberley Magistrates' Court on 15 January 2024. These disruptions affected service delivery and court performance.

The greatest challenge within the province is its geographical vastness. Magistrates' Courts are spread far apart, and the daily court hours are affected by prosecutors, magistrates, police, witnesses, accused and other stakeholders having to travel great distances to remote service delivery centres. The shortage of official vehicles in the Division is a challenge that results from the DoJ&CD facing a budget shortfall.

## Performance information – continued

Accommodation for staff remains a challenge. Many court buildings have insufficient accommodation for prosecutors and alternative accommodation is usually some distance away. Loadshedding, water shortages and connectivity problems, as well as the DoJ&CD's server often being offline, also pose challenges to service delivery.

### Stakeholder engagements

The previously dormant Development Committee, which is responsible for addressing service delivery blockages in the Magistrates' Courts, has been revived and is chaired by the Regional Head of Justice.

The Lower Court Efficiency Enhancement Forum was formed in April 2023 and is chaired by the Regional Court President. This forum is attended by the DPP, Chief Prosecutors, DoJ&CD Regional Head, Legal Aid South Africa Head and the Chief Magistrate. All operational issues relating to the Magistrates' Courts are discussed and resolved in this meeting.

The Prosecutor Cluster's monthly management meetings provide a platform where court performance is dissected, and challenges resolved. The Area Court Managers and Cluster Detective Coordinators also attend and can provide immediate solutions to the challenges that hamper court performance. All offices are obliged to have a monthly stakeholder meeting.

The specialist components attend various forums, including Provincial Project Committee, Provincial Organised Crime Secretariat, Provincial Operation Committee on Illegal Mining, National Non-Ferrous Metals Crime Combatting Committee Provincial Meeting, National Environmental Crime Forum, Stakeholder Priority Committee to Address Illegal Gambling, Northern Cape Rural Safety and Stock Theft Committee.

The SCCU maintains a strong stakeholder relationship across law enforcement agencies. The cooperation of the Fusion Centre committee, which includes all the law enforcement stakeholders, assists investigations and bigger cases are managed through Steering Committee meetings and case planning systems. The Steering Committee is composed of colleagues from different disciplines.

### Performance

The Division has achieved 94.4% of its targets.

Monthly Provincial Senior Management meetings monitor the performance of the region and necessary interventions are put in place to improve performance. This meeting is duplicated in the various clusters and business units, creating a positive competitive spirit.

Regular meetings are held with the Judge President to ensure that roll planning is effective and efficient. All circuit courts of the High Court are within a 300km to 800km radius of Kimberley and advocates travel over weekends to consult with witnesses to avoid loss of court time during the week. Prosecutors have been screening new case dockets on a Sunday afternoon in the clusters to ensure that court operations are not delayed on a Monday. Special attention is paid to identify money laundering and cybercrime offences.

The region has consistently achieved a 100% conviction rate in the prosecution of cable theft since 2022. An increase in the District Court conviction rate, from 92.6% in 2019/20 to 94.2% in 2023/24, can be attributed to more effective screening processes.

Delays in the finalisation of cases have caused a huge backlog in the province across all courts. The High Court finalised 33 matters per year five years ago, compared to only 18 in 2023/24. Currently the High Court has a backlog rate of more than 50%. The Judge President has been requested to establish a backlog court for the High Court, and to consider sittings of the High Court in recess periods. The NPA has also commented on the impact that acting judges have had on the finalisation of cases.

The Chief Magistrate initiated a meeting with Senior Public Prosecutors and Legal Aid South Africa to optimise the use of court hours and various resolutions were adopted. The weekly criminal court roll is now distributed to both Legal Aid South Africa and the NPA for the purposes of identifying a priority court roll in line with the Minister's directives.

### Communication

SAPS (specifically DPCI), the Government Communications and Information Systems and the Departments of Basic Education, Higher Education and Social Development have come on board to ensure that the work of the Division is effectively communicated.

Even though the Northern Cape has limited media houses and a small media footprint compared to other provinces, the work of the Division has reached its intended audience and received national coverage. This is achieved through the South African Broadcasting Corporation, Diamond Fields Advertiser, Media24, Netwerk24 and Independent Media (OFM, Maroela Media, Koerant, NC Nuus), community radio (Kurara FM, Radio Riverside, Vaalter FM and Revival FM), as well as broadcasters outside the province such as Khaya FM, Y FM, Jacaranda FM and Cape Talk.

The utilisation of interactive face-to-face platforms – such as community outreach, dialogues, exhibitions and information sessions – played a significant role in reaching communities, particularly those far from

the NPA's operation hubs. Information pamphlets and branding were shared during all these programmes. Facebook has been used to share information about events hosted by the Division, as well as providing information about successful prosecutions within the Division and cases that are currently in court.

A divisional bulletin has made it possible to communicate easily with personnel in the division.

### Use of electronic systems and digitisation

The Division has implemented several local electronic systems to improve service delivery. These include an electronic system to deal with and manage appeals, matters for decision and the trial work of advocates. Civil matters are also recorded on a digital register and audited quarterly. This has improved the speed with which matters are dealt with and finalised.

### Capacity

The division has a vacancy rate of 16%, which is negatively affecting its performance. These vacancies include key administrative positions and legally qualified staff.



## Performance information – continued



### North West

#### Key achievements

Many of the Division's recent achievements can be ascribed to the stakeholder conference held in 2022 in collaboration with SAPS and DPCI, where approximately 500 attendees pledged their commitment to achieving service excellence in the province. Looking back, it is clear that this initiative, and the 'back to basics' training that followed, built capacity and sustainable relationships within the criminal justice system, which have resulted in improved service delivery to the people of the North West.

Another highlight over the past five years has been the capacitation of the DPP's office and the OCC, SCCU and AFU specialist components within the region, as well as improved working relationships with key partners.

The Organised Crime Strategy that was finalised in the current financial year set out clear indicators and targets. The regional OCC has 14 registered projects that are managed through DPCI's Provincial Project Committee and SAPS Provincial Organised Crime Secretariat.

In April 2023, all senior managers in the Division gathered in Magaliesburg to devise a plan to streamline the process of investigating and prosecuting financial crimes and corruption. Several resolutions were agreed upon in what has been named the 'Magalies Accord'.



The DPP has oversight on and closely monitors the operations of the regional AFU, which has become a meaningful tool in the fight against crime since 2022. The AFU obtained 26 freezing orders to the value of R33 989 931 and 19 forfeiture orders to the value of R5 205 446. The AFU is now adjusting its strategy to ensure that it focusses on cases that have a high impact, particularly in corruption-related cases.

In March 2024, the National Head of the DPCI issued a Certificate of Achievement for Excellent Performance as the Best Project Investigation Team to Adv. Rodger Mareume, who is a Senior State Advocate with the OCC in the office of the DPP. The award relates to an organised crime project named Project Caracal, which involved illegal chrome mining and money laundering at Tlhatlhaganyane Village. The accused are descendants of the original landowners, but Batlhako Minerals holds a mining license for this land. The accused invited people to mine on their property and then sold the chrome to various wash plants. During the arrest of the accused, property worth an estimated R100m was seized.

### Key challenges

Continued loadshedding and the inability of the Department of Public Works to provide alternative energy sources like generators and solar energy hampered service delivery and contributed to lost court hours. The region is struggling to bring backlogs under control. Prosecutors were advised to work around the loadshedding schedules by doing chamber and administrative work during loadshedding and court work when the electricity was restored.

The Division was just beginning to reap the gains of the capacitation drive within the NPA but has been unable to fill positions, including all three Chief Prosecutor posts in the Division, due to cost cutting measures. The outreach programmes are affected by budget restrictions and the CPI is hamstrung.

In-person visits to courts by managers to motivate prosecutors and conduct in-house training is also negatively impacted by the cost cutting measures.

### Performance

The Division is known for being a leader in achieving its performance targets and the last two years were not any different. The Business Intelligence tool is used to monitor performance and comparison sheets have been created to allow prosecutors to analyse their courts' performance and identify courts with challenges. Each cluster has a priority list of cases for their courts and these lists are updated monthly so case progression can be followed until finalisation.

The Division actively participates in stakeholder engagements, including DEEC, REEC and PEEC, where blockages are identified, and mitigation plans agreed upon.

The regional Governance Team has a hands-on approach and monitors performance at a Divisional level but also on cluster and office levels. Trends are identified and communicated with the regional management team to find solutions.

Regular Senior Public Prosecutor Forum meetings interrogate the performance of each sub-cluster, and managers are expected to submit action plans to address inadequate performance. The Forum holds the managers accountable but also offers an opportunity to share knowledge within the cluster. The monthly performance report is shared with all staff in the region.

### Community prosecution:

The CPI is used to prioritise identified crime types that plague local communities. The three community prosecution sites in the clusters focus on combating and preventing stock theft, GBVF and drug-related offences. Stock theft poses a serious threat to households as it has become more widespread, organised and violent. The community prosecutors addressing stock theft have managed to unite farmers – commercial farmers, stud breeders and emerging farmers address their public safety concerns at farm forums. The local communities of Potchefstroom (Ikageng) and Orkney (Kanana) are grappling with GBV, drugs and substance abuse, and the community prosecutors have been working with the community to find solutions.

## Performance information – continued

### Service delivery improvement:

The region is constantly seeking ways to improve service delivery. This has resulted in the rejuvenation of the court preparation programme to support the witnesses and victims of crime.

### Communication

The region has created and expanded their media database to ensure effective communication.

The media is updated on the progress of high-profile cases that attract interest and media enquiries are speedily dealt with. The region has developed a good working relationship with Aganang FM and Mahikeng FM, and prosecutors are sometimes interviewed. A total of 26 media reports were issued in the current reporting period.

### Use of electronic systems and digitisation

The region is utilising a Business Intelligence tool to monitor regional performance and inform presentations made at various forums.

### Capacity

The regional establishment decreased over the past financial year, from 342 at the beginning of the 2023/24 financial year to 313 at the end of the financial year. The vacancy rate is currently 9%.

### Training

'Back to basics' training took place across the province, with sessions in Mmabatho, Vryburg, Potchefstroom, Klerksdorp, Rustenburg and Ga-Rankuwa. These sessions were attended by both prosecutors and members of SAPS and DPCI, creating the space for shared learning that should translate into improved court performance. The diverse topics included dealing with specific crime types (such as money laundering, racketeering and cybercrime), investigative approaches (such as forensic leads, photo identification and the psychology unit), ethics and the relationship between prosecutors and investigating officers.

### Staff morale and wellness

Staff morale is high and there has been a concerted effort by regional management to ensure that staff feel valued and appreciated

### Budget

The Division has invested in training and workshops aimed at bolstering the performance of employees on all levels. Essential goods and services have been procured and this has enabled the region to deliver on its mandate.





## Western Cape

### Key achievements

#### Focused High Court prosecutions:

The Division made a conscious decision, aligned with the relevant crime trends, to prioritise the prosecution of femicides, child murders and gang-related matters in the High Court. This has resulted in many successful prosecutions for these crime types.

There has also been some success in prosecuting organised crime. Several individuals alleged to be high-profile organised crime figures are currently facing prosecution on a range of serious charges, including contraventions of POCA.

#### Section 18 initiative:

The Division has been the frontrunner for prosecutors using the provisions of section 18 of POCA. This is a speedy process whereby accused persons are deprived of any benefit they derived from committing crime by obtaining a confiscation order following the conviction of the accused.

Since 2011, prosecutors have moved 1 650 applications to confiscate proceeds to the value of R123m. The proceeds were either paid to the victims of crime or into CARA. Table 25 sets out the Division's achievements in respect of this initiative.

Table 25: Section 18 orders, 2011 – March 2024

Cluster/Component	Number of orders	Value of orders
CPP Cape Town	355	R3 218 636.96
CPP Bellville	438	R6 659 077.73
CPP Wynberg	102	R342 203.65
CPP Mitchells Plain	299	R1 725 739.91
CPP George	120	R1 433 728.88
DPP SCCU	93	R24 244 733.48
DPP STU	14	R21 594 140.78
DPP OCC	202	R60 161 376.86
DPP Gen Pros	27	R4 142 500.14
<b>Total</b>	<b>1 650</b>	<b>R123 522 138.39</b>

## Performance information – continued

### DPP Magistrates' Courts' footprint:

In response to the threat of organised crime, a dedicated OCC was established in the office of the DPP. A STU was also established to deal with complex tax prosecutions. The prosecutors of these components conduct almost all their prosecutions in the Magistrates' Courts.

### Plea and sentence agreements:

The Division has focused on plea and sentence agreements to finalise cases speedily and address backlogs. There are checks and balances to ensure that the process is not abused, and the utilisation of these agreements is closely monitored.

Table 26 sets out the number of plea and sentence agreements concluded in the Division for the period 2019/20 to 2023/24.

Table 26: Plea and sentence agreements, 2019/20 – 2023/24

Period	Bellville	Cape Town	George	Mitchells Plain	Wynberg	High Court	Total
2019/20	1 055	399	50	137	322	16	1 979
2020/21	525	225	30	63	144	17	1 004
2021/22	636	275	27	114	251	12	1 315
2022/23	762	322	40	108	155	16	1 403
2023/24	1 213	266	57	126	279	14	1 955
<b>Totals</b>	<b>4 191</b>	<b>1 487</b>	<b>204</b>	<b>548</b>	<b>1 151</b>	<b>75</b>	<b>7 656</b>

### Rejuvenation of sexual offences prosecutors:

The Division has a committee comprised of cluster nodal points and a DDPP that oversees the work of sexual offences prosecutors. SOCA and SAPS are also represented on the committee. The committee conducted a review of the Division's capabilities to address sexual offences and one of their recommendations was to debrief sexual offences' prosecutors to address prosecutor fatigue.

### Expansion of the DPP's office to the southern Cape:

An important development over the last few years has been the appointment of prosecutors attached to the SCCU and OCC in the southern Cape. These appointments have broadened the footprint of the specialist units in the province and provided dedicated support to the DPCI office in George.

### Key challenges

#### Addressing priority crimes:

In collaboration with SAPS, the Division identified priority crimes that required special focus. Unfortunately, this initiative has not yielded the

hoped-for results. However, several lessons were learned that will assist in shaping the next iteration of the initiative.

#### Managing case backlogs:

At the end of February 2024, the Regional Courts had a backlog of 49%, with 10 224 cases on the outstanding court roll. To curb possible delays from the NPA, the DPP issued a directive that no trial can be postponed because the prosecutor is not ready on the trial date.

The DPP addressed the Regional Court Magistrates Coordinators Forum and appealed to them to assist in managing cases on their court rolls. The DPP called on them to apply a differentiated case management strategy to ensure that the oldest cases were attended to first, and to use a continuous roll to facilitate the speedy finalisation of cases. The Regional Court President supports this proposal and pilot sites will be identified to implement the model.

## Performance

### Community prosecutions:

The Division has two operational sites:

- Browns Farm – with a focus on GBV and alcohol-related offences
- Delft – with a focus on domestic violence and access to interdicts.

The Division also participates in the Area Based Teams initiative, which is led at a local level by SAPS and is part of the Safety Plan of the Western Cape Provincial Government. This is a community-based initiative aimed at maximising collective impact through a whole-of-society approach in which all local role players work together to achieve the objectives of the Safety Plan. The initiative has the same objectives as the NPA's CPI but provides access to a broader footprint, with government and non-governmental actors and stakeholders increasing its impact.

### Service delivery improvement:

Service delivery improvement is an ongoing theme in the Division and forms part of the daily activities of the management team in the Magistrates' Courts.

To this end, the witness liaison initiative was implemented on 1 November 2023. The Division constituted a team under the leadership of a Chief Prosecutor to explore solutions to the perennial problem of effective communication with witnesses and complainants. The proposed solution is to implement a text message communication system that augments the organisation's ability to communicate effectively. Taking responsibility for such a communications system will have obvious advantages for the NPA.

The project has been implemented in the Regional Courts and is limited to specific crime types. It has experienced some teething problems, including technical difficulties. However, valuable user feedback will assist in enhancing the project's implementation. An evaluation of the initiative will be conducted in 2024.

### Use of electronic systems and digitisation

The Division uses two electronic systems to manage and improve performance:

- Administrative System: towards the realisation of the victim centric services outcome of the NPA,

the DPP developed an Administrative System that assists with capturing, storing, retrieving and tracking the operational movements of decision dockets enrolled for prosecution. This is an effective tool that contributes to the number of decision case dockets dealt with in the reporting period.

- Electronic Statistics Dashboard: performance information plays a pivotal role in revealing how well an institution is meeting its objectives. The DPP developed a performance information monitoring tool that collects monthly statistics against indicators. The information is collected from clusters and fed into a central repository, where it is analysed and then presented to management to inform decision making and provide accountability to oversight bodies and the public.

### Capacity

The Division's establishment stands at 722 posts with 64 vacancies (8.8%).

While there is currently a moratorium on filling vacancies, there has been a significant improvement in the Division's capacity compared to 1 April 2019 – the staff establishment has increased by 38.5%, from 521 to 722 posts, over this period.

### Staff morale and wellness

A committee representing all sectors in the Division has been constituted to address staff morale. This committee has been charged with the responsibility of identifying various initiatives and activities to improve staff morale. The DPP has also made a concerted effort to visit the clusters to interact with staff.

### Budget

The Division was allocated a budget of R558.6m for the 2023/24 financial year. The actual expenditure against budget exceeded the baseline allocation by R30.2m (5% overspend). The overspend was under Compensation of Employees and it is attributed to the initial under allocation of the requested Compensation of Employees' budget.

The Division did encounter operational challenges in resourcing some of the offices and courts across the province due to the implementation of cost containment measures. However, it was still able to attain high levels of service delivery as reflected in its performance information.

# APPENDICES



# APPENDICES

## COMPOSITION OF STRUCTURES

### Advisory Panel

A national panel of persons with extensive experience in the investigation or prosecution of complex commercial crime or corruption or have expertise in asset forfeiture or other relevant fields who can be called upon to provide advice, make suggestions and offer guidance regarding complex commercial crime or corruption cases presented to the panel by prosecutors and investigators. The panel was established as an output of the Integrated Task Force and focusses on commercial crime and corruption cases. It is convened by the head of the SCCU upon request. Prosecutors and prosecution or investigating teams present their cases to the panel and are advised on various aspects relating to investigation and prosecution, including further investigation, possible charges and reviewing indictments and chargesheets.

### Anti-Corruption Task Team

The ACTT was a collaborative effort between stakeholders to deal with the investigation and prosecution of serious and complex cases of corruption. The case management committee consisted of members from various institutions including the DPCI, SIU, FIC, NPA, National Treasury and DPSA. As well as monitoring cases on a Priority List, the ACTT Executive Committee also tracks the progress of foreign bribery cases, unexplained wealth, risk management, integrated resource planning and strategic matters related to COVID-19 procurement corruption. This structure was dissolved with the establishment of the NPCOC. Serious corruption has now been incorporated as one of three streams within the NPCOC, alongside the organised crime and serious commercial crime streams.

### Case Flow Management meetings

Case Flow Management meetings are comprised of representatives from the NPA, Legal Aid South Africa, the judiciary and court administration (the DoJ&CD or the Office of the Chief Justice). They may also include, inter alia, SAPS and the Department of Correctional Services. These meetings are convened at the local level to identify blockages and contributing factors to poor courts performance,

and to find ways to jointly address these. At the lowest level, the local Case Flow Management meetings are used for more operational discussions monthly and, where required, some aspects may be escalated to the PEEC held quarterly. Progress reports are also provided annually to the NEEC chaired by the Chief Justice.

### Counter Terrorism Functional Committee and its sub-committees

A multi-disciplinary committee comprising of PCLU, DPCI: CATS, SSA, SAPS CI, FIC, Defence Intelligence, DIRCO, the Department of Home Affairs, etc. The role of the CTFC is to ensure that all issues relating to terrorism and terror financing are addressed. The CTFC also ensures that all FATF obligations and recommendations are attended to and addressed.

### District Efficiency Enhancement Committee

The DEEC is a judiciary-led structure aimed at improving efficiency in the District Courts within a province. Issues that it is unable to resolve relating to case flow management are escalated to the PEEC. The DEEC is comprised of the relevant stakeholders, including Chief Prosecutors or other representatives from the NPA.

### DPP Case Management meetings

The DPP Case Management meeting was established as a collaborative forum to oversee the management of NPS' high impact cases in the specialist components and/or units. Enhancing the skills of specialist resources and support in training and development is also high on the agenda. This meeting is convened in tandem with the NOMM and the composition of the members are the same as NOMM.

### DPP Environmental Working Group

The DPP Environmental Working Group was established in September 2022 and has since met on a biannual basis. The objectives of this Working Group include, inter alia, sharing best practice in the investigation and prosecution of environmental crime, addressing challenges, proposing legislative amendments and discussing and initiating the centralisation of cross-border cases to ultimately

## Appendices – continued

ensure more effective and successful prosecutions. In addition, real time information pertaining to arrests is shared, which significantly enhances collaboration between prosecutors and law enforcement agencies.

### Financial Action Task Force

FATF is the global money laundering and terrorist financing watchdog. The inter-governmental body sets international standards that aim to prevent money laundering and terror financing activities and the harm they cause to society. As a policy-making body, FATF works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas.

With more than 200 countries and jurisdictions committed to implementing them, FATF has developed recommendations or standards that ensure a co-ordinated global response to preventing organised crime, corruption and terrorism. They help authorities target the money of criminals dealing in illegal drugs, human trafficking and related crimes. FATF also works to stop funding for weapons of mass destruction.

FATF reviews money laundering and terrorist financing techniques and continuously strengthens its standards to address new risks, such as the regulation of virtual assets, which have spread as cryptocurrencies gain popularity. FATF monitors countries to ensure they implement FATF standards fully and effectively and holds countries that do not comply to account.

### Fusion Centre

In 2020, the ACTT established a Fusion Centre. The Fusion Centre was formed by the SIU, DPCI and NPA as a coordination point and key resource centre for dealing with all corruption-related cases and other illicit activities associated with the COVID-19 pandemic. The aims are: i) to ensure prompt coordinated action by said enforcement agencies to expedite the investigation, prosecution and recovery of assets; and ii) to provide an immediate response by law enforcement and corruption-fighting agencies to cases or incidents of corruption, fraud, abuse or maladministration related to COVID-19 procurement irregularities.

### Integrated Task Force

The Integrated Task Force was established to coordinate and prioritise the responses of the relevant law enforcement agencies to the recommendations of the Zondo Commission. The members of the Integrated Task Force include the DPCI, SIU, FIC, SARS and the relevant components of the NPA (AFU, ID, SCCU, STU, NPS Ops and relevant DPPs).

While the ID was established to, inter alia, lead the investigation and prosecution of any unlawful activities identified by the Zondo Commission, some matters were already being investigated by DPCI and SIU. The Integrated Task Force brings the relevant entities together to ensure that matters arising from the Zondo Commission are speedily dealt with, duplication of efforts is avoided and progress on investigations and prosecutions is monitored.

### International Association of Prosecutors

The International Association of Prosecutors, the only worldwide organisation of prosecutors, was established in 1995 at the UN offices in Vienna. It is comprised of more than 183 organisational members from over 177 different countries, as well as many individual members. The main impetus leading to its formation was the rapid global growth of serious transnational crime, particularly drug trafficking, money laundering and fraud.

### International Cooperation Component

The International Cooperation Component is responsible for the management and coordination of incoming and outgoing requests for extradition and MLA. With its objective being efficient coordination of requests for international cooperation in criminal matters and continuously working towards enhancing collaboration and cooperation, the Component participates in a number of national and international fora, inter alia: i) interdepartmental meetings coordinated by DIRCO, DPSA and the DoJ&CD; ii) Interdepartmental Committee on MLA and Extradition coordinated by the DoJ&CD; iii) Interdepartmental Working Group on the FATF Mutual Evaluation Report coordinated by the FIC; iv) meetings with counterparts from other countries on invitation and in conjunction with the DoJ&CD,



DIRCO and the DPSA or the FIC; and iv) UN meetings that pertain to international cooperation.

### Missing Persons Task Team

The MPTT was established in the NPA in 2005 in terms of the approved recommendations in the TRC Final Report, which stated that government should set up a Task Team to trace the fate and whereabouts of persons who disappeared in political circumstances between 1960 and 1994. The MPTT is a small multi-disciplinary team that uses archaeology, forensic anthropology, historical research and DNA testing, and works closely with other relevant government departments and organisations. The MPTT aims to recover the remains of the disappeared for their families or to facilitate symbolic reburials where remains cannot be recovered. The MPTT has benefitted from training by the Equipo Argentino de Antropología Forense, better known as the Argentine Forensic Anthropology Team, who first applied forensic science to human rights cases of disappearances. The MPTT also has special projects including the Gallows Exhumation Project, which involves tracing the remains of political prisoners who were sentenced to death and executed, and the Exile Repatriation Project.

### National Operations Management Meetings

The NOMM was established to consider the NPA strategy, consider and agree on the Annual Operational Plan for the NPS, and coordinate and oversee progress against such plans. The head of the NPS is the chairperson and the members include all DPPs from the divisions, SDPPs responsible for specialised units within the NPS, DDPPs in the NPS Head Office responsible for cross-cutting functional areas, the NPS Operations Management component and the head of administration for the NPS Head Office. The NOMM identifies challenges, discusses and addresses issues, and develops innovative solutions and responses to improve efficiency, effectiveness and the performance of the NPS. Members discuss matters affecting human and other resources and other operational and strategic matters that need to be resolved by units outside of the NPS or to be escalated to ExCo or ManCo.

### National Efficiency Enhancement Committee

The NEEC was established by the judiciary and is chaired by the Chief Justice. The NEEC's primary objective is to ensure the efficiency and effectiveness of the courts. The NEEC identifies challenges that undermine efficiency and employs its collective wisdom behind closed doors to find solutions without compromising the Constitution and the law. The NEEC is comprised of the Chief Justice, President of the Supreme Court of Appeal, Judge President of the Gauteng Division of the High Court, Judge President of the Northern Cape High Court, a judge representing the Judicial Case Management Committee, Regional Court Presidents, National Commissioners of SAPS and Correctional Services, Directors-General of the Departments of Public Works, Justice, Health and Social Development, the Chairperson and Chief Executive Officer of Legal Aid South Africa, the Chief Executive Officer of the Road Accident Fund, the NDPP and Head of the NPS, Chief Magistrates, representatives of the Law Society of South Africa and the General Council of the Bar.

### NPA Executive Committee

The ExCo of the NPA was established by the NDPP to tackle the high-level strategic matters of the organisation. It is comprised of the NDPP, DNDPPs and the Special Advisor to the NDPP. ExCo also leads the organisation's preparedness for accountability to the external environment, such as the media, parliament and the general public.

### NPA Management Committee

The ManCo of the NPA was established to provide oversight and ensure delivery on key organisational responsibilities. ManCo is meant to hold the NPA's management accountable for setting operational goals and ensuring delivery. ManCo is comprised of the NDPP, DNDPPs, SDPPs, DPPs and Chief Directors.

### Organisation for Economic Co-operation and Development

The OECD is an international organisation in which governments work together to find solutions to common challenges, develop global standards,

## Appendices – continued

share experiences and identify best practices to promote better policies for better lives. South Africa became a partner of the OECD in 2007.

### Provincial Efficiency Enhancement Committee

The PEEC is a judiciary-led structure aimed at improving case flow management in the provinces. The PEEC is comprised of relevant stakeholders, including the DPPs. The PEEC is mandated to enhance access to justice by ensuring, among others: i) the cooperation and commitment of all relevant stakeholders in the efficient and effective adjudication of disputes in the courts; ii) the

proper implementation of norms and standards; and iii) the proper understanding and support of case flow management. The Heads of Courts are required to report on the progress of the PEECs to the Chief Justice.

### Regional Efficiency Enhancement Committee

The REEC is a judiciary led structure aimed at improving efficiency in the Regional Courts within a province. Issues that it is unable to resolve relating to case flow management are escalated to the PEEC. The PEEC is comprised of relevant stakeholders, including the Chief Prosecutors or other representatives from the NPA.



# PERFORMANCE OF REGIONS

Financial year	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
Strategic objective	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in High courts	94.9% = 130/137	90.8% = 89/98	94.6% = 139/147	93.4% = 114/122	90.9% = 110/121
Conviction rate in Regional courts	82% = 3 047/3 716	83.2% = 2 013/2 419	81.3% = 2 748/3 380	84.4% = 3 044/3 608	82.6% = 2 887/3 495
Conviction rate in District courts	91.2% = 21 164/23 198	92.8% = 10 002/10 777	85.9% = 12 776/14 874	88.6% = 14 599/16 479	90.7% = 15 086/16 625
Conviction rate in murder prosecutions	76.3% = 342/448 cases	79.5% = 252/317 cases	77.8% = 385/495 cases	77.7% = 300/386 cases	83.9% = 687/819 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	97% = 32/33 counts	96.1% = 73/76 counts	97.9% = 47/48 counts	91.2% = 135/148 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	95.5% = 21/22 counts	90.9% = 40/44 counts	97.4% = 37/38 counts	92.7% = 76/82 counts
Conviction rate in trio crimes	80% = 144/180	79.6% = 90/113	77.2% = 122/158	83.7% = 123/147	78.6% = 165/210
Conviction rate in sexual offences	74.1% = 486/656	77.9% = 325/417	77.8% = 455/585	74.2% = 356/480	77% = 845/1097
Conviction rate in complex commercial crime	94.2% = 81/86	85.7% = 42/49	90.8% = 79/87	93.2% = 68/73	93.7% = 59/63
Number of Government officials convicted for offence related to corruption	12	3	6	4	21
Number of persons convicted of private sector corruption	37	8	19	7	25
Conviction rate in complex tax cases	63.6% = 7/11	80% = 12/15	100.0% = 9/9	75% = 3/4	84.6% = 11/13
Number of cases finalised with verdict involving money laundering	13	5	11	8	3
Number of prosecutions instituted involving money laundering			0	0	11
Conviction rate in organised crime	= /	100.0% = 5/5	100.0% = 21/21	71.4% = 5/7	80% = 12/15
Conviction rate in environmental crimes	98.5% = 64/65	98.9% = 92/93	97.6% = 121/124	95.7% = 22/23	88% = 66/75
Conviction rate in cybercrime prosecutions	100.0% = 36/36	94.4% = 17/18	100.0% = 24/24	90% = 9/10	100.0% = 6/6
Conviction rate in essential infrastructure prosecutions	100.0% = 10/10	57.1% = 4/7	90.9% = 20/22	88.4% = 38/43	73.7% = 73/99
Conviction rate in cable theft	00.0% = 0/0	100.0% = 1/1	100.0% = 5/5	90% = 9/10	82.4% = 98/119
Clearance ratio on decision dockets received	93% = 99 580 dealt with	93.4% = 105 022 dealt with	92% = 99 165 dealt with	92.1% = 100 279 dealt with	93.2% = 104 803 dealt with

## Applied filters:

Excluded (8) Percentage of TRC reviews concluded (Strategic objective), Decisions made in Priority Corruption cases older than five years (Strategic objective), Number of new operational TCC's by end of the year (Strategic objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic objective), ENE All Corruption (Strategic objective), Number of new Thuthuzela Care Centres Established (Strategic objective), Conviction rate in femicide prosecutions (Strategic objective), Conviction rate in murder intimate partner femicide prosecutions (Strategic objective), Fiscal Year is FY2020/21, FY2021/22, FY2022/23, FY2023/24, or FY2019/20 NEW DIVISION is ECD.

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### FREE STATE DIVISION

Financial year	FY2019/20 Actual performance	FY2020/21 Actual performance	FY2021/22 Actual performance	FY2022/23 Actual performance	FY2023/24 Actual performance
<b>Strategic objective</b>					
Conviction rate in High courts	93.2% = 55/59	90.6% = 48/53	86.4% = 57/66	84.1% = 58/69	88.4% = 61/69
Conviction rate in Regional courts	81.7% = 1 619/1 981	79.2% = 1 022/1 291	77.7% = 1 237/1 593	79% = 1 230/1 557	80% = 1 392/1 741
Conviction rate in District courts	96.8% = 24 174/24 976	97.7% = 20 094/20 574	96.7% = 21 249/21 964	95.7% = 18 925/19 766	96.5% = 21 405/22 190
Conviction rate in murder prosecutions	80.9% = 280/346 cases	83.3% = 194/233 cases	79.9% = 207/259 cases	79.3% = 203/256 cases	82.3% = 200/243 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	85.4% = 35/41 counts	96.2% = 51/53 counts	92.2% = 47/51 counts	90.7% = 49/54 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	86.5% = 32/37 counts	95.2% = 40/42 counts	90.9% = 30/33 counts	94.4% = 34/36 counts
Conviction rate in trio crimes	86.4% = 114/132	91.5% = 54/59	80.6% = 50/62	82.9% = 68/82	85.5% = 59/69
Conviction rate in sexual offences	75.5% = 465/616	70.2% = 266/379	71.4% = 419/587	72.2% = 447/619	71.4% = 384/538
Conviction rate in complex commercial crime	90.4% = 47/52	94.3% = 33/35	100.0% = 22/22	83.9% = 26/31	80% = 28/35
Number of Government officials convicted for offence related to corruption	41	13	28	38	29
Number of persons convicted of private sector corruption	22	30	34	45	58
Conviction rate in complex tax cases	80% = 4/5	100.0% = 12/12	100.0% = 25/25	100.0% = 13/13	100.0% = 12/12
Number of cases finalised with verdict involving money laundering	5	4	7	13	5
Number of prosecutions instituted involving money laundering			0	0	9
Conviction rate in organised crime	= /	100.0% = 35/35	80% = 4/5	100.0% = 2/2	100.0% = 2/2
Conviction rate in environmental crimes	98% = 100/102	90.3% = 65/72	96.6% = 57/59	93.9% = 155/165	97.6% = 205/210
Conviction rate in cybercrime prosecutions	94.4% = 17/18	100.0% = 5/5	100.0% = 10/10	50% = 1/2	100.0% = 3/3
Conviction rate in essential infrastructure prosecutions	90.5% = 19/21	85.7% = 12/14	88.2% = 15/17	75.4% = 49/65	81.3% = 52/64
Conviction rate in cable theft	00.0% = 0/0	66.7% = 2/3	100.0% = 9/9	81.3% = 26/32	83.6% = 51/61
Clearance ratio on decision dockets received	99.4% = 78 610 dealt with	99.3% = 77 869 dealt with	99.7% = 100 780 dealt with	99.7% = 87 305 dealt with	99.5% = 90 461 dealt with

#### Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic objective), Decisions made in Priority Corruption cases older than five years (Strategic objective), Number of new operational TCC's by end of the year (Strategic objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic objective), ENE All Corruption (Strategic objective), Number of new Thuthuzela Care Centres Established (Strategic objective), Fiscal Year is FY2023/24, FY2022/23, FY2021/22, FY2020/21, or FY2019/20 NEW DIVISION is FSD

## GAUTENG DIVISION: PRETORIA

Financial year	FY2019/20 Actual performance	FY2020/21 Actual performance	FY2021/22 Actual performance	FY2022/23 Actual performance	FY2023/24 Actual performance
<b>Strategic objective</b>					
Conviction rate in High courts	88.1% = 74/84	98% = 49/50	91.7% = 55/60	91.2% = 62/68	91.9% = 68/74
Conviction rate in Regional courts	85.2% = 2 079/2 440	86.2% = 1 299/1 507	83.9% = 1 452/1 731	84.5% = 1 633/1 933	83.8% = 1 540/1 837
Conviction rate in District courts	95.9% = 12 131/12 656	96.6% = 8 649/8 957	96.1% = 9 081/9 445	96.% = 11 956/12 452	96.3% = 12 640/13 130
Conviction rate in murder prosecutions	81.6% = 239/293 cases	79.4% = 150/189 cases	79.5% = 174/219 cases	79.2% = 205/259 cases	81.7% = 196/240 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	100.0% = 21/21 counts	83.3% = 20/24 counts	88.6% = 31/35 counts	100.0% = 29/29 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	100.0% = 15/15 counts	87% = 20/23 counts	93.3% = 28/30 counts	97.2% = 35/36 counts
Conviction rate in trio crimes	79.6% = 168/211	78.2% = 86/110	81.3% = 87/107	82.6% = 114/138	80.5% = 103/128
Conviction rate in sexual offences	74.4% = 297/399	77.2% = 179/232	75.2% = 246/327	77.2% = 294/381	77.5% = 306/395
Conviction rate in complex commercial crime	91.6% = 131/143	93.8% = 45/48	98.4% = 60/61	88.9% = 80/90	90.5% = 38/42
Number of Government officials convicted for offence related to corruption	14	5	4	11	4
Number of persons convicted of private sector corruption	30	11	12	8	16
Conviction rate in complex tax cases	100.0% = 4/4	100.0% = 4/4	80.% = 4/5	100.0% = 11/11	90.9% = 10/11
Number of cases finalised with verdict involving money laundering	10	9	8	12	14
Number of prosecutions instituted involving money laundering				0	10
Conviction rate in organised crime	= /	100.0% = 8/8	100.0% = 10/10	92.9% = 13/14	88.9% = 8/9
Conviction rate in environmental crimes	100.0% = 7/7	100.0% = 7/7	90.9% = 10/11	87.5% = 7/8	87.5% = 7/8
Conviction rate in cybercrime prosecutions	100.0% = 67/67	100.0% = 4/4	100.0% = 10/10	100.0% = 5/5	100.0% = 8/8
Conviction rate in essential infrastructure prosecutions	78.8% = 67/85	90.6% = 58/64	81.6% = 93/114	80.3% = 98/122	77.9% = 120/154
Conviction rate in cable theft	00.0% = 0/0	80% = 24/30	83.% = 44/53	78.7% = 59/75	80.7% = 96/119
Clearance ratio on decision dockets received	82.4% = 94 575 dealt with	81.1% = 89 844 dealt with	91.% = 82 544 dealt with	95.6% = 82 798 dealt with	92.2% = 93 147 dealt with

## Appendices – continued

### GAUTENG LOCAL DIVISION: JOHANNESBURG

Financial year	FY2019/20 Actual performance	FY2020/21 Actual performance	FY2021/22 Actual performance	FY2022/23 Actual performance	FY2023/24 Actual performance
<b>Strategic objective</b>					
Conviction rate in High courts	93.2% = 137/147	95.2% = 80/84	92.1% = 82/89	89.8% = 114/127	91.% = 101/111
Conviction rate in Regional courts	82.9% = 3 380/4 079	83.7% = 1 643/1 964	79.2% = 2 201/2 778	81.5% = 2 341/2 874	82.3% = 2 339/2 844
Conviction rate in District courts	94.1% = 16 334/17 358	95.1% = 7 375/7 754	90.8% = 7 230/7 961	94.6% = 13 271/14 026	95.7% = 16 917/17 676
Conviction rate in murder prosecutions	80.9% = 288/356 cases	76.8% = 149/194 cases	71.2% = 190/267 cases	79.5% = 264/332 cases	79.4% = 293/369 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	95.7% = 22/23 counts	100.0% = 26/26 counts	95.9% = 47/49 counts	94.% = 47/50 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	87.5% = 14/16 counts	100.0% = 22/22 counts	94.6% = 35/37 counts	93.8% = 30/32 counts
Conviction rate in trio crimes	78.2% = 201/257	89.3% = 109/122	79.% = 162/205	77.8% = 147/189	79.5% = 151/190
Conviction rate in sexual offences	71.9% = 314/437	74.4% = 125/168	66.% = 217/329	69.8% = 247/354	69.4% = 277/399
Conviction rate in complex commercial crime	= /	= /	= /	= /	= /
Number of Government officials convicted for offence related to corruption	20	4	12	11	19
Number of persons convicted of private sector corruption	43	21	41	34	38
Conviction rate in complex tax cases	100.0% = 31/31	78.9% = 15/19	100.0% = 21/21	94.3% = 33/35	97.% = 32/33
Number of cases finalised with verdict involving money laundering	17	14	22	8	4
Number of prosecutions instituted involving money laundering		0	0	0	17
Conviction rate in organised crime	= /	100.0% = 36/36	96.% = 24/25	90.9% = 10/11	92.3% = 24/26
Conviction rate in environmental crimes	94.6% = 122/129	100.0% = 89/89	100.0% = 54/54	98.% = 98/100	97.7% = 128/131
Conviction rate in cybercrime prosecutions	98.8% = 84/85	100.0% = 26/26	95.1% = 39/41	100.0% = 4/4	75.% = 6/8
Conviction rate in essential infrastructure prosecutions	75.2% = 94/125	92.9% = 52/56	69.9% = 95/136	74.4% = 122/164	66.5% = 107/161
Conviction rate in cable theft	00.0% = 0/0	88.5% = 23/26	90.5% = 38/42	89.6% = 103/115	80.2% = 69/86
Clearance ratio on decision dockets received	95.2% = 139 023 dealt with	94.4% = 123 508 dealt with	91.3% = 107 363 dealt with	91.6% = 112 129 dealt with	98.1% = 118 433 dealt with

## KWAZULU-NATAL DIVISION

Financial year	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
Strategic objective	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in High courts	85.2% = 115/135	93.3% = 56/60	85.7% = 78/91	89.6% = 95/106	90.8% = 118/130
Conviction rate in Regional courts	80.3% = 2 467/3 071	79.8% = 1 673/2 020	77.8% = 2 088/2 683	80.8% = 2 015/2 494	81.9% = 2 223/2 713
Conviction rate in District courts	96.% = 27 257/28 407	96.6% = 15 263/15 806	94.7% = 16 030/16 931	95.% = 18 131/19 089	94.9% = 18 924/19 945
Conviction rate in murder prosecutions	80.4% = 653/812 cases	80.9% = 411/508 cases	75.3% = 577/766 cases	81.% = 608/751 cases	84.3% = 594/705 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	96.9% = 31/32 counts	89.2% = 66/74 counts	94.8% = 91/96 counts	90.9% = 70/77 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	96.4% = 27/28 counts	92.9% = 65/70 counts	98.6% = 70/71 counts	91.8% = 56/61 counts
Conviction rate in trio crimes	86.7% = 326/376	85.3% = 185/217	82.3% = 260/316	84.8% = 223/263	87.4% = 208/238
Conviction rate in sexual offences	71.9% = 679/944	74.8% = 369/493	70.6% = 505/715	71.5% = 449/628	70.7% = 566/801
Conviction rate in complex commercial crime	93.9% = 92/98	91.9% = 34/37	84.% = 42/50	88.4% = 38/43	97.% = 32/33
Number of Government officials convicted for offence related to corruption	35	15	23	13	15
Number of persons convicted of private sector corruption	10	11	11	16	21
Conviction rate in complex tax cases	95.7% = 22/23	100.0% = 14/14	100.0% = 20/20	92.9% = 13/14	100.0% = 17/17
Number of cases finalised with verdict involving money laundering	13	10	12	8	8
Number of prosecutions instituted involving money laundering		0			9
Conviction rate in organised crime	= /	66.7% = 6/9	91.7% = 22/24	82.4% = 14/17	90.9% = 20/22
Conviction rate in environmental crimes	93.3% = 56/60	89.7% = 35/39	91.7% = 22/24	100.0% = 26/26	94.6% = 35/37
Conviction rate in cybercrime prosecutions	98.2% = 56/57	100.0% = 16/16	94.3% = 33/35	90.9% = 10/11	100.0% = 16/16
Conviction rate in essential infrastructure prosecutions	100.0% = 19/19	96.7% = 29/30	93.7% = 59/63	83.3% = 75/90	82.1% = 92/112
Conviction rate in cable theft	00.0% = 0/0	00.0% = 0/0	66.7% = 2/3	75.% = 12/16	75.% = 6/8
Clearance ratio on decision dockets received	92.9% = 120 600 dealt with	93.1% = 102 531 dealt with	93.8% = 105 008 dealt with	95.3% = 112 216 dealt with	97.% = 114 107 dealt with

## Appendices – continued

### LIMPOPO DIVISION

Financial year	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
<b>Strategic objective</b>	<b>Actual performance</b>	<b>Actual performance</b>	<b>Actual performance</b>	<b>Actual performance</b>	<b>Actual performance</b>
Conviction rate in High courts	89.6% = 103/115	90.6% = 77/85	87.4% = 83/95	85.7% = 126/147	87.1% = 88/101
Conviction rate in Regional courts	70.4% = 814/1 156	68.8% = 718/1 043	70.6% = 702/994	72.4% = 726/1 003	71.8% = 800/1 114
Conviction rate in District courts	95.3% = 18 264/19 184	94.9% = 13 914/14 661	93.5% = 12 208/13 058	94.4% = 14 069/14 902	95.1% = 15 419/16 216
Conviction rate in murder prosecutions	71.6% = 141/197 cases	74.2% = 132/178 cases	69% = 118/171 cases	73.2% = 186/254 cases	73.1% = 177/242 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	90.9% = 10/11 counts	100.0% = 20/20 counts	97.2% = 35/36 counts	81.8% = 18/22 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	88.9% = 8/9 counts	100.0% = 14/14 counts	94.3% = 33/35 counts	91.7% = 33/36 counts
Conviction rate in trio crimes	66.7% = 44/66	91.3% = 63/69	86.1% = 68/79	78.8% = 78/99	81.7% = 89/109
Conviction rate in sexual offences	62.1% = 223/359	56.5% = 174/308	57.8% = 155/268	59.2% = 184/311	55.9% = 223/399
Conviction rate in complex commercial crime	100.0% = 1/1	= /	89.5% = 17/19	71.9% = 23/32	92% = 23/25
Number of Government officials convicted for offence related to corruption	9	6	5	13	6
Number of persons convicted of private sector corruption	6	5	7	12	16
Conviction rate in complex tax cases	83.3% = 5/6	00.0% = 0/0	100.0% = 1/1	96.8% = 30/31	100.0% = 52/52
Number of cases finalised with verdict involving money laundering	0	1	0	3	1
Number of prosecutions instituted involving money laundering		0		0	6
Conviction rate in organised crime	= /	= /	100.0% = 1/1	100.0% = 18/18	94.3% = 50/53
Conviction rate in environmental crimes	92% = 23/25	81.3% = 13/16	85.7% = 18/21	87.5% = 14/16	96.4% = 53/55
Conviction rate in cybercrime prosecutions	100.0% = 1/1	00.0% = 0/0	00.0% = 0/0	100.0% = 3/3	100.0% = 1/1
Conviction rate in essential infrastructure prosecutions	100.0% = 1/1	85.7% = 6/7	87.5% = 7/8	33.3% = 1/3	80% = 28/35
Conviction rate in cable theft	00.0% = 0/0	00.0% = 0/0	00.0% = 0/0	00.0% = 0/0	100.0% = 4/4
Clearance ratio on decision dockets received	95.3% = 39 050 dealt with	97.2% = 44 720 dealt with	90% = 41 257 dealt with	81.1% = 39 419 dealt with	86.8% = 41 809 dealt with



## MPUMALANGA DIVISION

Financial year	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
Strategic objective	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in High courts	87.9% = 58/66	97.3% = 72/74	93.1% = 81/87	84.6% = 55/65	94.6% = 70/74
Conviction rate in Regional courts	83.5% = 1 290/1 545	80.1% = 846/1 056	78.3% = 980/1 251	82.6% = 919/1 112	81.2% = 979/1 205
Conviction rate in District courts	95.1% = 12 419/13 063	95.4% = 8 670/9 085	94.9% = 8 435/8 888	95.9% = 8 583/8 948	95.7% = 8 626/9 017
Conviction rate in murder prosecutions	73.7% = 174/236 cases	72.1% = 145/201 cases	75.9% = 195/257 cases	78.1% = 150/192 cases	75.3% = 146/194 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	95% = 19/20 counts	100.0% = 23/23 counts	96.3% = 26/27 counts	100.0% = 28/28 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	96.2% = 25/26 counts	100.0% = 28/28 counts	94.4% = 17/18 counts	100.0% = 26/26 counts
Conviction rate in trio crimes	82.1% = 64/78	86.7% = 52/60	75% = 48/64	83.1% = 54/65	86.3% = 44/51
Conviction rate in sexual offences	80.2% = 349/435	76.3% = 213/279	70.1% = 260/371	77% = 198/257	71.2% = 235/330
Conviction rate in complex commercial crime	100.0% = 8/8	91.7% = 11/12	25% = 1/4	100.0% = 17/17	90.9% = 20/22
Number of Government officials convicted for offence related to corruption	7	5	1	6	10
Number of persons convicted of private sector corruption	8	14	25	17	23
Conviction rate in complex tax cases	100.0% = 11/11	100.0% = 2/2	100.0% = 6/6	100.0% = 5/5	100.0% = 13/13
Number of cases finalised with verdict involving money laundering	0	0	1	2	1
Number of prosecutions instituted involving money laundering		0	0	0	12
Conviction rate in organised crime	= /	100.0% = 3/3	= /	100.0% = 46/46	96.6% = 57/59
Conviction rate in environmental crimes	98% = 288/294	98% = 287/293	96.8% = 244/252	96% = 238/248	98.3% = 177/180
Conviction rate in cybercrime prosecutions	100.0% = 2/2	100.0% = 3/3	100.0% = 1/1	100.0% = 1/1	100.0% = 6/6
Conviction rate in essential infrastructure prosecutions	91.7% = 11/12	71.4% = 10/14	94.4% = 17/18	89.4% = 42/47	87.3% = 48/55
Conviction rate in cable theft	00.0% = 0/0	59.3% = 16/27	100.0% = 20/20	92.6% = 25/27	95% = 19/20
Clearance ratio on decision dockets received	99.2% = 77164 dealt with	99.8% = 76 533 dealt with	96% = 69 418 dealt with	89.7% = 67 160 dealt with	89.3% = 69 924 dealt with

## NORTHERN CAPE DIVISION

## Appendices – continued

Financial year	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
Strategic objective	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in High courts	97.0% = 32/33	100.0% = 19/19	94.1% = 16/17	94.4% = 17/18	100.0% = 18/18
Conviction rate in Regional courts	82.9% = 689/831	85.5% = 577/679	82.1% = 623/759	81.5% = 666/817	80.2% = 690/861
Conviction rate in District courts	92.6% = 5 060/5 462	91.8% = 3 167/3 450	91.6% = 3 313/3 616	94.2% = 3 755/3 987	94.3% = 3 888/4 123
Conviction rate in murder prosecutions	85.7% = 132/154 cases	84.9% = 118/139 cases	82.4% = 126/153 cases	81.2% = 125/154 cases	78.5% = 150/191 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	95.5% = 21/22 counts	100.0% = 21/21 counts	100.0% = 18/18 counts	94.7% = 18/19 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	95.5% = 19/20 counts	100.0% = 22/22 counts	100.0% = 17/17 counts	100.0% = 16/16 counts
Conviction rate in trio crimes	62.5% = 10/16	76.2% = 16/21	70.8% = 17/24	93.8% = 15/16	93.8% = 15/16
Conviction rate in sexual offences	76.3% = 174/228	81.4% = 166/204	79.7% = 153/192	83.3% = 199/239	75.4% = 196/260
Conviction rate in complex commercial crime	95.5% = 21/22	75.5% = 6/8	100.0% = 16/16	100.0% = 19/19	85.5% = 17/20
Number of Government officials convicted for offence related to corruption	8	9	9	13	12
Number of persons convicted of private sector corruption	7	12	12	17	12
Conviction rate in complex tax cases	100.0% = 1/1	00.0% = 0/0	100.0% = 1/1	100.0% = 3/3	87.5% = 7/8
Number of cases finalised with verdict involving money laundering	0	0	2	19	8
Number of prosecutions instituted involving money laundering	0		0	0	14
Conviction rate in organised crime	= /	100.0% = 24/24	100.0% = 50/50	98.4% = 61/62	100.0% = 50/50
Conviction rate in environmental crimes	100.0% = 13/13	100.0% = 9/9	80.0% = 4/5	82.4% = 14/17	97.6% = 40/41
Conviction rate in cybercrime prosecutions	100.0% = 11/11	100.0% = 1/1	100.0% = 9/9	100.0% = 1/1	100.0% = 2/2
Conviction rate in essential infrastructure prosecutions	00.0% = 0/0	100.0% = 1/1	83.3% = 5/6	90.0% = 9/10	91.7% = 22/24
Conviction rate in cable theft	00.0% = 0/0	100.0% = 2/2	50.0% = 1/2	100.0% = 6/6	100.0% = 11/11
Clearance ratio on decision dockets received	88.6% = 27 791 dealt with	92.2% = 28 528 dealt with	93.2% = 25 722 dealt with	95.7% = 27 246 dealt with	97.4% = 27 522 dealt with

## NORTH WEST DIVISION

Financial year	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
Strategic objective	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in High courts	94.4% = 17/18	95.2% = 20/21	90.% = 18/20	91.3% = 21/23	93.8% = 15/16
Conviction rate in Regional courts	81.4% = 1 279/1 571	85.% = 705/829	80.9% = 937/1 158	86.4% = 873/1 011	83.9% = 818/975
Conviction rate in District courts	96.8% = 9 790/10 109	98.3% = 5 513/5 607	96.6% = 5 562/5 758	96.4% = 6 477/6 716	96.6% = 7 981/8 258
Conviction rate in murder prosecutions	80.8% = 215/266 cases	83.3% = 115/138 cases	83.3% = 204/245 cases	83.% = 185/223 cases	85.7% = 156/182 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	100.0% = 16/16 counts	100.0% = 17/17 counts	86.1% = 31/36 counts	93.9% = 31/33 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	100.0% = 12/12 counts	90.9% = 10/11 counts	77.8% = 21/27 counts	89.5% = 17/19 counts
Conviction rate in trio crimes	84.6% = 77/91	91.7% = 44/48	82.7% = 67/81	85.5% = 53/62	84.5% = 49/58
Conviction rate in sexual offences	75.8% = 276/364	80.% = 152/190	72.2% = 184/255	83.7% = 180/215	73.% = 162/222
Conviction rate in complex commercial crime	88.2% = 15/17	91.7% = 11/12	80.% = 4/5	83.3% = 15/18	76.5% = 13/17
Number of Government officials convicted for offence related to corruption	11	5	8	3	2
Number of persons convicted of private sector corruption	3	1	7	2	1
Conviction rate in complex tax cases	100.0% = 8/8	100.0% = 7/7	100.0% = 11/11	100.0% = 4/4	100.0% = 5/5
Number of cases finalised with verdict involving money laundering	0	3	5	0	0
Number of prosecutions instituted involving money laundering				0	
Conviction rate in organised crime	= /	= /	= /	= /	100.0% = 2/2
Conviction rate in environmental crimes	100.0% = 30/30	94.1% = 16/17	100.0% = 24/24	95.8% = 23/24	95.% = 19/20
Conviction rate in cybercrime prosecutions	88.9% = 16/18	100.0% = 8/8	100.0% = 4/4	100.0% = 2/2	00.0% = 0/0
Conviction rate in essential infrastructure prosecutions	80.% = 8/10	71.4% = 10/14	100.0% = 24/24	78.8% = 26/33	82.6% = 19/23
Conviction rate in cable theft	00.0% = 0/0	85.7% = 12/14	95.5% = 21/22	95.2% = 20/21	93.2% = 55/59
Clearance ratio on decision dockets received	87.% = 35 072 dealt with	85.4% = 34 395 dealt with	96.3% = 33 607 dealt with	95.6% = 33 072 dealt with	89.6% = 29 861 dealt with

## WESTERN CAPE DIVISION

## Appendices – continued

Financial year	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
<b>Strategic objective</b>	<b>Actual performance</b>	<b>Actual performance</b>	<b>Actual performance</b>	<b>Actual performance</b>	<b>Actual performance</b>
Conviction rate in High courts	92.4% = 61/66	94.1% = 32/34	95.1% = 39/41	95.7% = 44/46	93.3% = 42/45
Conviction rate in Regional courts	86% = 3 797/4 413	85.3% = 2 462/2 886	86% = 2 922/3 397	85.6% = 3 373/3 940	83.2% = 3 146/3 786
Conviction rate in District courts	96.5% = 45 982/47 670	96.2% = 21 783/22 655	95.3% = 26 013/27 303	94.9% = 28 256/29 780	95.2% = 29 689/31 175
Conviction rate in murder prosecutions	81.2% = 518/638 cases	75.5% = 287/380 cases	79.1% = 378/478 cases	78.2% = 431/551 cases	73.2% = 407/556 cases
Conviction rate in femicide prosecutions	00.0% = 0/0 counts	100.0% = 16/16 counts	90% = 45/50 counts	93.2% = 69/74 counts	89% = 81/91 counts
Conviction rate in murder intimate partner femicide prosecutions	00.0% = 0/0 counts	100.0% = 12/12 counts	86.7% = 26/30 counts	95.6% = 43/45 counts	89.1% = 49/55 counts
Conviction rate in trio crimes	84.7% = 172/203	88.7% = 94/106	88.1% = 140/159	84.6% = 121/143	86.5% = 122/141
Conviction rate in sexual offences	80.4% = 603/750	80% = 375/469	81.4% = 503/618	75.1% = 538/716	73.6% = 600/815
Conviction rate in complex commercial crime	97.4% = 37/38	95.8% = 23/24	94.6% = 35/37	88.9% = 32/36	86.2% = 25/29
Number of Government officials convicted for offence related to corruption	24	16	18	8	17
Number of persons convicted of private sector corruption	65	34	41	41	44
Conviction rate in complex tax cases	95% = 19/20	60% = 3/5	93.8% = 15/16	94.7% = 18/19	100.0% = 1/1
Number of cases finalised with verdict involving money laundering	14	18	17	13	18
Number of prosecutions instituted involving money laundering	0	0		0	10
Conviction rate in organised crime	= /	83.6% = 51/61	94.3% = 50/53	92.3% = 48/52	87% = 40/46
Conviction rate in environmental crimes	98.1% = 153/156	97.3% = 72/74	99.2% = 127/128	98.1% = 152/155	97.5% = 196/201
Conviction rate in cybercrime prosecutions	100.0% = 28/28	100.0% = 8/8	100.0% = 16/16	100.0% = 3/3	100.0% = 7/7
Conviction rate in essential infrastructure prosecutions	89.4% = 59/66	90.8% = 59/65	91% = 81/89	81.1% = 73/90	80.2% = 73/91
Conviction rate in cable theft	00.0% = 0/0	90.7% = 39/43	98.1% = 53/54	82.9% = 34/41	85.7% = 18/21
Clearance ratio on decision dockets received	94% = 172 667 dealt with	93.5% = 161 307 dealt with	92.7% = 164 794 dealt with	90.3% = 176 824 dealt with	93% = 172 019 dealt with







# CONSOLIDATING AND FUTURE PROOFING



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