



National Prosecuting Authority
South Africa

2021/22

ANNUAL REPORT

2022



REACHING SOLID GROUND
to deliver justice



NATIONAL PROSECUTING AUTHORITY
South Africa

TABLE OF CONTENTS

ACRONYMS	4
VISION, MISSION AND VALUES	7
STRATEGIC OUTCOMES	7
ORGANISATIONAL STRUCTURE	8
ORGANISATIONAL STRUCTURE – SOC	10
FOREWORD BY THE NATIONAL DIRECTOR	11
STRATEGIC INITIATIVES BY THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS	15
Prioritising for impact	16
Expediting high-profile corruption cases	16
Focus on serious violent and organised crime	17
Capacitating the NPA	17
Enhancing staff morale and well-being	17
New NPA Organisational Performance Monitoring Initiative	18
Stakeholder engagements	18
NATIONAL PROSECUTIONS SERVICE	19
Overview of progress during a challenging year	20
Performance of the NPS	22
Representations	23
SCCU's role in responding to commercial crime and corruption	23
Anti-corruption in numbers	24
<i>Notable corruption cases dealt with by NPS</i>	27
Serious violent crime	28
<i>Notable cases</i>	28
Gender-based violence and femicide	30
<i>Notable cases</i>	31
Organised crime	32
Illegal mining	33
Essential infrastructure crimes	33
Environmental crime	33
Drug and drug-related matters	34
Cybercrime	34
Money laundering	34
Tax prosecution	34
Priority Crimes Litigation Unit	35
<i>Notable cases</i>	35
Truth and Reconciliation Commission matters	36
Missing Persons Task Team	36
<i>Notable cases</i>	37
International cooperation in criminal matters: MLA and extraditions	37
ASSET FORFEITURE UNIT	38
Performance of the AFU	39
<i>Notable cases</i>	41

TABLE OF CONTENTS continued

INVESTIGATING DIRECTORATE	43
Overview of investigations and prosecutions	44
State-owned enterprises	45
High-level public and private	45
Security sector	45
Challenges facing the ID	46
Strategic responses to the challenges facing the ID	46
LEGAL AFFAIRS DIVISION	47
<i>Notable cases</i>	48
OFFICE FOR WITNESS PROTECTION	50
OWP performance	51
STRATEGY, OPERATIONS AND COMPLIANCE	53
Strategy management	54
Financial management	55
Human Resources management	55
Integrity management	56
Information and systems management	56
Security management services	56
Communications	56
ACTIVITIES OF THE DPPs	58
Eastern Cape Division	59
Free State Division	60
Gauteng Division: Pretoria	61
Gauteng Local Division: Johannesburg	62
KwaZulu-Natal Division	64
Mpumalanga Division	66
Northern Cape Division	67
North-West Division	68
Limpopo Division	69
Western Cape Division	70
ANNEXURES	72
Composition of structures	73
Anti-Corruption Task Team (ACTT)	73
African Prosecutors Association (APA)	73
Case flow management meetings (CFM)	73
NPA Executive Committee (Exco)	73
Financial Action Task Force (FATF)	73
Fusion centre	74
International Association of Prosecutors (IAP)	74
International Cooperation Component	74
NPA Management Committee (Manco)	74
Missing Persons Task Team (MPTT)	74
National Efficiency Enhancement Committee (NEEC)	74
North-West Intervention Inter Ministerial task team (IMTT)	75
NPA Task Force	75

National Task Team (NTT)	75
Organisation for Economic Cooperation and Development (OECD)	75
Priority Cases or Priority List	76
Provincial Efficiency Enhancement Committee (PEEC)	76
Provincial Task Teams (PTT)	76
Rapid Response Team (RTT)	76
AFU performance in the last 15 years	77
Divisional tables	78
Eastern Cape Division	78
Eastern Cape Division – Mthatha	80
Free State Division	82
Gauteng Division – Pretoria	84
Gauteng Local Division	86
Kwazulu-Natal Division	88
Mpumalanga Division	90
Northern Cape Division	92
North-West Division	94
Limpopo Division	96
Western Cape Division	98

FIGURES

Figure 1: New and finalised cases versus COVID-19 infections among NPA staff	23
Figure 2: Number of corruption convictions since 2014/15	26
Figure 3: Comparison of private sector persons and government officials convicted of corruption	26
Figure 4: Sentences imposed on accused convicted of tampering or damage to essential infrastructure from April 2021 to March 2022	34
Figure 5: Three-year comparison on the value of freezing orders	40
Figure 6: Three-year comparison on the value of recoveries	40
Figure 7: LAD case load from 2013 – 2021	48
Figure 8: LAD workload 2021/2022	49
Figure 9: LAD trials 2021/22	49
Figure 10: Total NPA establishment as of 31 March 2022	55

TABLES

Table 1: NPS conviction rate performance in all court fora	22
Table 2: Conviction rates in complex commercial crime	23
Table 3: NPS fraud and corruption performance	25
Table 4: Serious violent crime performance	28
Table 5: GBVF performance	20
Table 6: Number of operational TCCs	36
Table 7: NPS conviction rate performance for organised crime	33
Table 8: Distribution of complex corruption cases	44
Table 9: Distribution of contract values and alleged bribes per investigation sector	45
Table 10: Number of witnesses in the programme per crime category	51
Table 11: Western Cape Division's 2021/2022 achievements	70

ACRONYMS

ACSA	Airports Company South Africa
ACTT	Anti-Corruption Task Team
ADRM	Alternative Dispute Resolution Mechanisms
AFU	Asset Forfeiture Unit
AGSA	Auditor-General South Africa
APA	Africa Prosecutors Association
APP	Aspirant Prosecutor Programme
BEE	Black Economic Empowerment
BLSA	Business Leadership South Africa
CARA	Criminal Assets Recovery Account
CPO	Court Preparation Officer
CPP	Chief Public Prosecutor
DDPPs	Deputy Directors of Public Prosecutions
DEFF	Department of Environment Forestry and Fisheries
DG	Director-General
DIRCO	Department of International Relations and Cooperation
DMV	Department of Military Veterans
DNA	Deoxyribonucleic Acid
DNDPP	Deputy National Director of Public Prosecutions
DoJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crime Investigation
DPP	Director of Public Prosecutions
DSRAC	Department of Sports, Recreation, Arts and Culture
DTI	Department of Trade and Industry
ECMS	Electronic Case Management System
ExCo	Executive Committee
FATF	Financial Action Task Force
FCS	Family Violence, Child Protection and Sexual Offences
FIC	Financial Intelligence Centre
FNB	First National Bank
FSL	Forensic Sciences Laboratory
GBV	Gender-based violence
GBVF	Gender-based violence and femicide
HLPP	High-Level Public and Private
HR	Human Resources
IAP	International Association of Prosecutors
ICRC	International Committee of the Red Cross
ICT	information and communications technology
ID	Investigating Directorate
IMTT	Inter-Ministerial Task Team
IMU	Integrity Management Unit
IPAC	Independence, Professionalism, Accountability and Credibility
IPID	<i>Independent Police Investigative Directorate</i>
IRMCT	International Residual Mechanism for Criminal Tribunals
IWT	Illegal wildlife trafficking
JCPS	Justice, Crime Prevention and Security
KZN	KwaZulu-Natal
LAD	Legal Affairs Division
LGBTIQ+	Lesbian, gay, bisexual, transgender, queer and intersexed

LRA	Labour Relations Act, 66 of 1995
ManCo	Management Committee
MFMA	Municipal Finance Management Act, 56 of 2003
MK	Umkhonto weSizwe
MLA	Mutual Legal Assistance
MOUs	Memoranda of Understanding
MPTT	Missing Persons Task Team
MTEF	Medium-term expenditure framework
MTSF	Medium-term strategic framework
NCCS	National Council for Correctional Services
NDMP	National Drug Master Plan
NDP	National Development Plan
NDPP	National Director of Public Prosecutions
NEMBA	National Environmental Management Biodiversity Act
NPA	National Prosecuting Authority
NPC	Non-Proliferation Council
NPD	Non-Prosecution Decision
NPS	National Prosecutions Service
NRA	National Risk Assessment
NTR	Non-Trial Resolution
OECD	Organisation for Economic Co-operation and Development
OSD	Occupational Specific Dispensation
OWP	Office for Witness Protection
PEEC	Provincial Efficiency Enhancement Committees
PIC	Public Investment Corporation
PICC	Provincial Initiation Coordinating Committee
PCLU	Priority Crimes Litigation Unit
PGI	Prosecutor Guided Investigations
POCA	Prevention of Organised Crime Act, 121 of 1998
POCDATARA	Prevention of Constitutional Democracy Against Terrorism and Related Activities Act, 33 of 2004
PROVJOINTS	Provincial Joint Operational and Intelligence Structure
PSA	Public Servants Association
PSC	Personnel Suitability Checks
PWC	PriceWaterhouseCoopers
REEC	Regional Efficiency Enhancement Committee
RRHRHO	Repatriation and Restitution of Human Remains and Heritage Objects
RTT	Restructuring Task Team
SAA	South African Airways
SABRIC	South African Banking Risk Information Centre
SADC	Southern African Development Community
SAMILIT	South African Anti-Money Laundering Integrated Task Force
SAPS	South African Police Service
SARS	South African Revenue Service
SCA	Supreme Court of Appeal
SCCU	Specialised Commercial Crimes Unit
SDPP	Special Director of Public Prosecutions
SEC-SEC	Security Sector
SITA	State Information Technology Agency

ACRONYMS continued

SIU	Special Investigating Unit
SOC	Strategy, Operations and Compliance
SOCA	Sexual Offences and Community Affairs
SOE	State-Owned Enterprise
SPP	Senior Public Prosecutor
SSA	State Security Agency
STU	Specialised Tax Unit
TCC	Thuthuzela Care Centre
TRC	Truth and Reconciliation Commission
UK	United Kingdom
UNCAC	United Nations Convention Against Crime
UNODC	United Nations Office on Drugs and Crime
USA	United States of America
USD	United States Dollar
VAT	Value Added Tax
VIS	Victim Impact Statements
TF	Terror Financing

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, which is 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.

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

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

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

Credibility, which is built by behaving consistently and aiming to inspire belief and trust.

These values are contextualised in the NPA Code of Conduct and underpin the

National Director's Independent, Professional, Accountable and Credible pillars, which are highlighted in this and previous reports.

STRATEGIC OUTCOMES

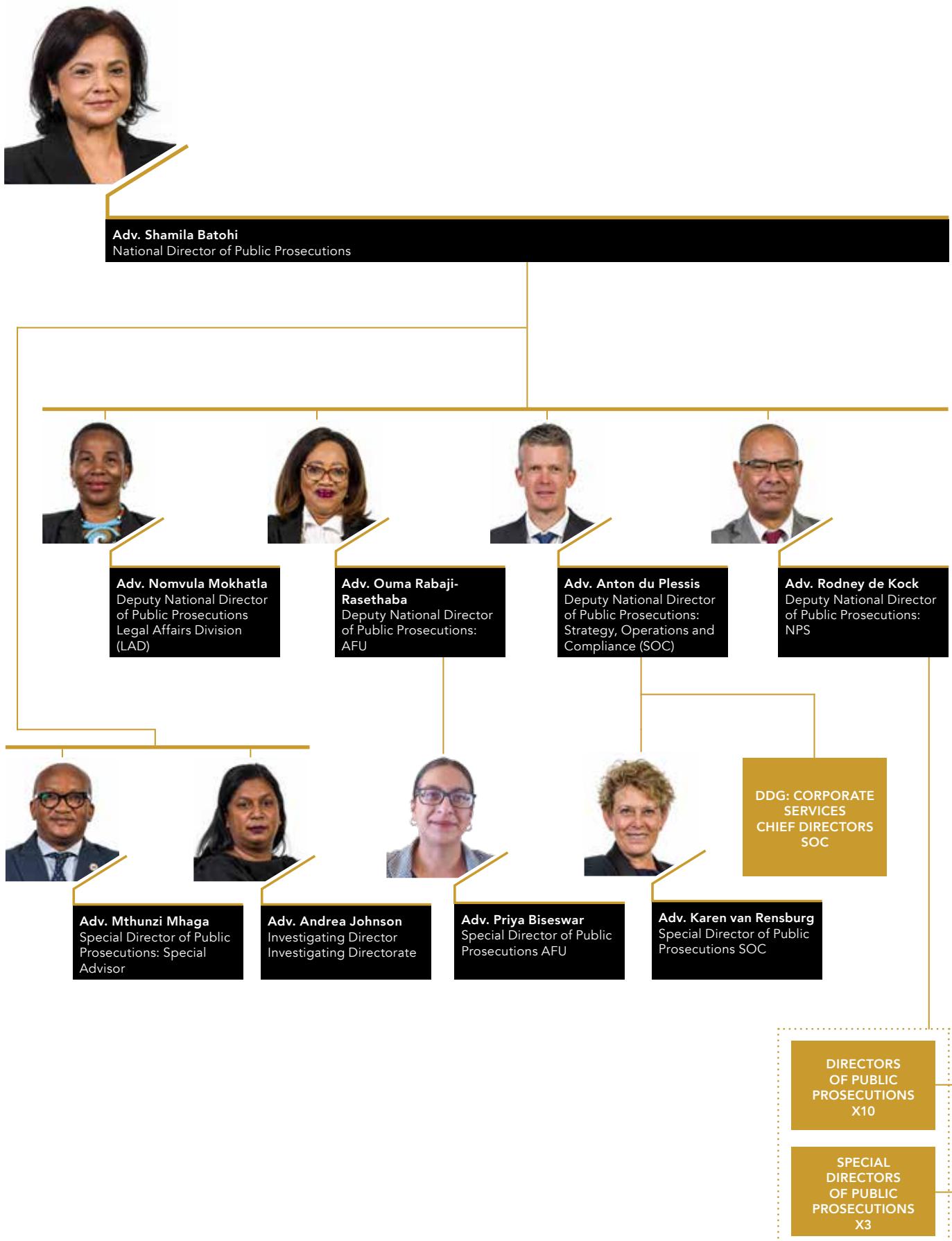
The strategic outcomes of the NPA for 2020-2025 are the following:

- 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 an Office for Complaints and Ethics 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 (NPS)

DIRECTORS OF PUBLIC PROSECUTIONS



Mr Bary 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



Adv. Elaine Zungu
Director of
Public Prosecutions
KwaZulu-Natal Division



Adv. Ivy Thenga
Director of
Public Prosecutions
Limpopo Division



Adv. Nkebe Kanyane
Director of
Public Prosecutions
Mpumalanga Division



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

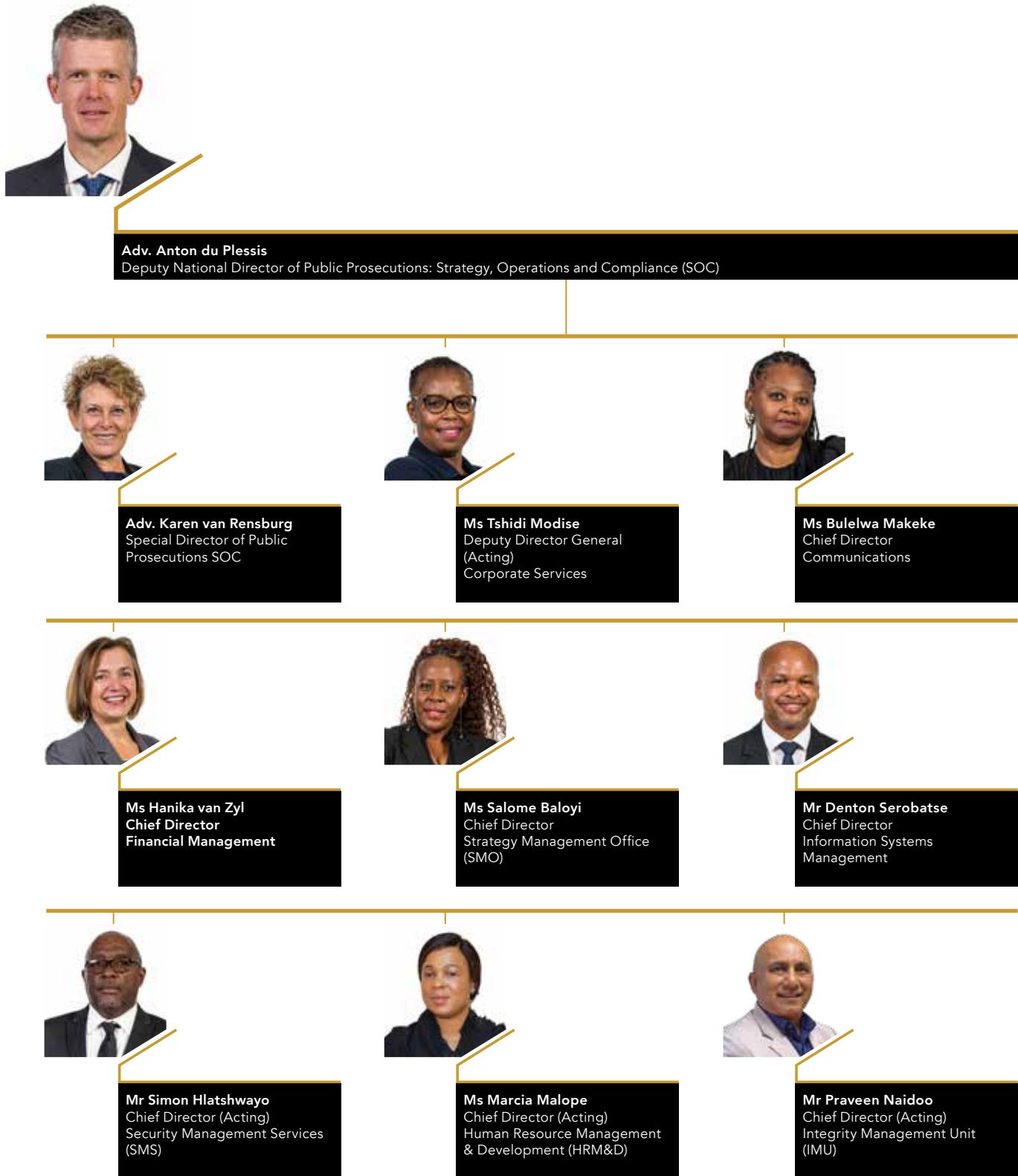


Adv. Lebo Baloyi
Special Director of Public
Prosecutions: SCCU



**Adv. Bonnie
Currie-Gamwo**
Special Director of Public
Prosecutions: SOCA

ORGANISATIONAL STRUCTURE – SOC



01



**FOREWORD BY
THE NATIONAL
DIRECTOR**

FOREWORD BY THE NATIONAL DIRECTOR



Adv. Shamila Batohi
National Director of Public
Prosecutions

Over the past three years, we have worked collectively to build a National Prosecuting Authority that is "fit for purpose". South Africans deserve a NPA that works tirelessly to hold those implicated in criminal activities accountable, especially those involved in state capture and undermining the rule of law. It has been a daunting task, under incredibly difficult and unpredictable circumstances. We are making progress. The rule of law might be battered, but it is far from being defeated.

The NPA is midway through implementing its 2020 – 2025 strategic plan. Our rebuilding efforts are bearing fruit, and our strategy is standing the test of time. Despite the ongoing negative impact of COVID-19, the NPA has made important strides in the past year. We are not yet where we need to be, but we are far from where we started when I took office in early 2019. Impunity for high-level corruption is no longer a given as the wheels of justice start to turn. The NPA has delivered many impactful prosecutions and significant asset recoveries. As this gains momentum, it will be difficult to stop.

The NPA also remains committed to dealing robustly with gender-based violence (GBV) and other crimes that undermine people's feelings of safety.

However, notwithstanding the good work that the NPA is doing in many areas, it is our response to the findings and recommendations of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (known as the Zondo Commission), that will be defining for both the NPA and South Africa. South Africans are rightly appalled by the Zondo Commission's revelations of rampant public and private sector corruption, often involving politically exposed persons, which has brought our country to its knees and disproportionately affected the poor and the vulnerable. Patience is running out – South Africans deserve accountability, justice, and an end to impunity.

The Zondo Commission reports highlight the imperative of effective responses to corruption, especially the prosecution of high-level corruption and complex cases. In response, the NPA has established a task force to coordinate responses and ensure that seminal cases are prioritised for prosecution and asset recovery. The Investigating Directorate (ID) and the Asset Forfeiture Unit (AFU), supported by the general and specialist prosecution streams, are critical to the success of the NPA in addressing these cases.

Our prioritisation of high-level corruption matters is underpinned by a comprehensive implementation plan that includes: a focus on capacitating the NPA; skills development; internal and external collaboration; increased impact of asset recovery; effective communication on corruption cases; and raising staff morale to enhance employee productivity. Significant progress has been made in these areas, as is set out in this report.

The tentacles of state capture reached far and wide and the NPA is mindful of the alleged state capture within our ranks. We are in the process of initiating disciplinary proceedings against those identified. The establishment of the Office for Ethics and Accountability is an important step in providing an efficient mechanism to detect and address any future unethical behaviour. The draft legislative amendments for the establishment of this office have been submitted to the honourable Minister of Justice and Correctional Services, and it should be launched in the 2022/23 financial year.

Notwithstanding the ravages of COVID-19 on our operations and that of the criminal justice system more broadly, there was a notable improvement in performance in 2021/22. The NPA continued to maintain a high conviction rate and there has been a marked increase in the number of cases finalised. The details of our performance and the improvements in the past year are contained in the relevant parts of this report.

An intensified focus, in collaboration with our partners, in particular the Directorate of Priority Crime Investigation, contributed to the NPA recording a major improvement in the finalisation of corruption cases. The number of government officials convicted for corruption increased by 38.4% (from 86 to 119 year on year). The NPA's performance in private sector corruption prosecution improved by 39.5% in 2021/22 (from 147 to 205 persons convicted).

The ID has enrolled over 20 matters, charged 65 accused and obtained freezing orders to the value of R5.5 billion (billion), with the single biggest restraint of R3.78 billion obtained by the AFU.

No persons were threatened, harmed or killed whilst on the witness protection programme due to an efficient operating model ensuring the safety of witnesses and related persons.

Budget advocacy over preceding years has yielded results and we appreciate the additional budget allocations to the NPA for the current medium-term expenditure framework (MTEF) period. Yet the nature and scale of challenges facing the NPA, now and into the future, means that additional funding will be required to deliver effectively on our mandate. Keeping pace with the criminals we need to prosecute, will require bold and innovative approaches to budgeting and implementation. The NPA needs to be a cutting-edge and modernised prosecuting authority. In this regard, we indicated to Parliament in the latest briefing that an additional R1.2 billion over the next MTEF period will be required.

Support from the private sector has been overwhelming and is necessary to address the complex challenges we will face over the coming years. The NPA has made good progress in setting up a Donor Oversight Committee to ensure that the NPA's independence is not compromised in the process.

The NPA needs to be built on a solid foundation and our strategic values – independence, professionalism, accountability and credibility – provide that foundation. Significant progress has been made in the implementation of the strategic initiatives that rest on these foundations.

Our people are our strongest asset. Over the past three years we have recruited more than a thousand employees, created much needed capacity in critical areas and expanded the Aspirant Prosecutor Programme. The NPA is pleased to report that all Director of Public Prosecution (DPP) posts have been filled, as well as several Special Directors of Public Prosecutions (SDPP) posts. In the last year, nine women were appointed into top leadership positions: four DPPs, two SDPPs, the new Investigating Director and two Chief Directors. The NPA is proud to be led by so many experienced and skilled women. The gender profile of the NPA is now 54% female, which represents a 0.8% increase. Women constitute 65% of key management positions, far exceeding the prescribed 50% female representation.

Many of our prosecutors work in challenging and hostile environments with traumatised victims of crime. Burdened by the daily routines and demands of our work, it is easy to forget that the mission of the NPA is both noble and grand – to ensure justice for society's most vulnerable, combat crime and impunity, strengthen crime-ridden communities, and reverse years of state capture to restore public confidence.

We have made significant progress in building a strategically aligned and capacitated NPA. But the time for talking and planning is over. The NPA is now in the phase of impactful action and accountability – new monitoring and review processes have been implemented to ensure that we deliver on our crucial constitutional mandate.

The next six months will be a defining time for the NPA. Through re-sharpening our focus and priorities, the NPA will be sure to deliver on the expectations of all South Africans.

I wish to express my gratitude to the Director-General of the Department of Justice and Constitutional Development (DoJ&CD), the Minister of Justice and Correctional Services, my fellow leadership, prosecutors and other staff for their commitment and service to the people of this country.

With our new leadership team in place, a revitalised ID that is poised for action, and committed staff, the NPA is entering a new era where justice wins again.



Adv. S Batohi

National Director of Public Prosecutions

01 June 2022

02



**STRATEGIC
INITIATIVES**

STRATEGIC INITIATIVES

The NPA's strategic plan aims to guide our efforts to build a prosecuting authority that is responsive, accountable and effective in delivering justice to victims of crime and restoring the rule of law in South Africa.

Considerable progress has been achieved in implementing several innovative strategic initiatives to drive the implementation of our strategy. These include:

Office for Ethics and Accountability: The NPA has a zero-tolerance approach to corruption and dishonesty in the workplace. To deliver on this commitment, the NPA leadership took the decision to establish an office to promote ethical conduct and effectively respond to legitimate complaints against NPA staff, at all levels. The Office for Ethics and Accountability is being established in terms of section 22(5) of the NPA Act and will replace the Integrity Management Unit (IMU). The regulations have been drafted and submitted to the Minister for consideration. The relevant consultations were undertaken to facilitate this transition and the NPA intends for the new office to commence operations in the 2022/23 financial year, following approval of the regulations by the Minister. This initiative benefitted from the support of the German government.

Donor Oversight Committee: The provision of funds and in-kind services to the NPA by civil society organisations (CSOs), the private sector and others can significantly enhance the capabilities of the NPA to deliver on its mandate. However, this also poses risks to the NPA, particularly from outside parties that may seek to compromise the independence of the institution. In 2020, the NPA proposed establishing a structure to oversee the process of accepting donations. The NPA is working closely with the DoJ&CD and National Treasury to establish this oversight committee. The Minister indicated that the establishment of the structure is a priority, and the NPA is confident that it will provide transparent management and accounting of donor support of any kind.

Community Prosecution Initiative: This initiative involves prosecutors partnering with local stakeholders to collectively find long term sustainable solutions to specific crimes that most concern those communities. Working with communities to address

the risk factors associated with the identified crimes is key, as is conducting strategic prosecutions. Twenty-three community prosecution sites were established across the country, focussing on various community irritants. Community prosecutor posts were created and are in the process of being filled. The NPA has undertaken training for community prosecutors and has commissioned an external service provider to conduct independent monitoring and evaluation of the initiative.

Building a culture of innovation: The NPA has sought to entrench a culture of innovation and local problem-solving in its divisions across the country. Committed and vibrant individuals were nominated to form part of the divisional innovation teams. These teams were trained and supported to conceptualise practical innovation initiatives to implement in their divisions to resolve local problems. Some of these innovations include improving the use of court preparation officers, enhancing the wellness of staff, improving divisional communications, improving skills transfer and instituting non-monetary recognition of good performance.

Strengthening NPA communications: Improving public understanding of the functions, activities and achievements of the NPA is central to rebuilding the institution's credibility, and strengthening the rule of law in South Africa. The NPA has continued to implement proactive communication initiatives, with a particular focus on anti-corruption and asset recovery efforts. The NPA's website has also been redesigned and we have launched a dedicated proactive communications initiative to demonstrate impact on high-level corruption matters. Internal communication has also been significantly improved to ensure that all NPA colleagues are up-to-date with latest developments, and progress on strategy implementation.

Non-prosecution decisions (NPDs): The Organisation for Economic Co-operation and Development (OECD) recommends that countries make strategic and appropriate use of NPDs to resolve corruption cases involving corporate entities and not individual directors. Globally, NPDs in the form of negotiated settlements are increasingly being used to resolve complex corruption cases. NPDs reduce the need for drawn out investigations, eliminate costly trials and obtain the cooperation of corporate entities, thereby saving scarce prosecutorial resources and incentivising companies to self-police corruption. In return for leniency, implicated entities are required to admit responsibility for a set of facts, disclose evidence that can be used to prosecute responsible individuals, make financial restitution and improve

STRATEGIC INITIATIVES continued

anti-corruption compliance measures. The NPA is at an advanced stage of developing a policy that provides for a simple and tailored form of NPD.

NPA independence: The leadership of the NPA remains focused on strengthening the independence of the prosecution authority. The Minister of Justice and Correctional Services ("the Minister") has proposed the establishment a task team to assess the options and agree on way forward. The NPA submitted its views to the Zondo Commission, which were shared with the Minister and will be discussed in due course. Interventions under consideration include: a transparent nomination and selection process for the appointment of the NPA's senior leaders; and an amendment to the NPA Act to clearly define and enhance the NPA's de facto and de jure independence, in line with international good practice and South African realities.

Prioritising for impact

The NPA's senior leadership met in March 2021 to reflect on progress, challenges, and opportunities. It was agreed that while a solid and aspirational strategy is important, the NPA also needed to make demonstrable progress on priority matters in a short space of time.

Consequently, the NPA's Executive Committee (ExCo) approved the following short-term, clear and measurable priorities:

1. Expediting high-profile corruption cases nationally and provincially.
2. A stronger focus on serious violent and organised crime, and crimes that disproportionately undermine public safety.
3. Capacitating the NPA to respond to existing and emerging priorities through recruiting crucial additional skills, expertise and capabilities.
4. Enhancing staff morale and well-being.

Action plans with measurable timelines and realistic activities, as well as clearly assigned roles and responsibilities, were developed for each of the priorities. These were standing agenda items at ExCo and Management Committee (ManCo) meetings and regular feedback was provided to staff.

Expediting high-profile corruption cases

The Top 10 corruption cases were identified and enrolled through close collaboration between the ID, the AFU, the Specialised Commercial Crimes Unit (SCCU) and the Directorate for Priority Crime Investigation (DPCI). The following noteworthy cases were prioritised:

- The Gauteng High Court granted an order to seize assets worth R1.4 billion belonging to accused implicated in the corruption scandal involving the construction of Eskom's Kusile power station. The extradition hearing of former Eskom contractor Michael Lomas is being heard in London, United Kingdom (UK).
- Former Transnet board member Iqbal Sharma and former senior members of the Free State Department of Agriculture were charged with contraventions of the Public Finance Management Act, 1 of 1999, fraud and money laundering.
- The Bloemfontein High Court granted an unlimited restraint order to the value of R520 million for assets belonging to Sharma, his company Nulane Investment, and the Gupta family through their company Islandsite.
- The Free State High Court confirmed a provisional restraint order against Edwin Sodi and his companies, as well as other accused, to the value of almost R300 million.
- The Nelson Mandela Bay Municipality matter, which resulted from a contract with a consultancy firm from the Eastern Cape, was enrolled in July 2021 involving an amount in excess of R25 million.
- The Free State Housing matter involving the Free State Department of Human Settlements was enrolled in August 2021. The value of purchases made are approximately R500 million.
- One of the legs of the investigation into the Steinhoff matter has been finalised. A Mutual Legal Assistance (MLA) request to one of the foreign authorities was submitted; another MLA, to a different foreign authority, is in the process of being transmitted.

The Zondo Commission has issued Parts I – IV of its Reports – these contain many recommendations on conducting further criminal investigations and/or possible prosecutions and asset recovery.

The ID, under whose mandate state capture cases fall, and the DPCI, working closely with prosecutors in the SCCU, are investigating the matters arising from the respective Zondo Commission reports. The NPA Task Force is coordinating activities and responses between the various role players.

The NPA has made submissions to the Minister on creating a permanent ID in the NPA focusing on high profile and complex corruption-related matters, and for the creation of permanent investigator posts, where such investigators have full criminal investigating powers in terms of the Criminal Procedure Act, 51 of 1977 (CPA). In this way, the ID can effectively deal with investigations authorised by the Investigating Director.



Focus on serious, violent and organised crime

In addition to prioritising high-level corruption matters, the NPA has maintained its focus on several other serious violent and organised crimes. Highlights include:

- A Gender Based Violent Crimes training module and strategic plan was developed.
- A National Organised Crime strategy was approved after extensive consultation.
- A list of priority organised crime cases was developed.
- A Sexual Offences and Community Affairs (SOCA) media plan was formulated and activated nationally.
- Five additional Thuthuzela Care Centres (TCCs) were established bringing the total to 60.
- Femicide, child murder and lesbian, gay, bisexual, transgender, queer and intersexed (LGBTQI+) databases were maintained. SOCA is monitoring case progress, finalised prosecutions and the conviction rate.
- A Deoxyribonucleic Acid (DNA) prioritisation task team was established. A DNA protocol was developed and is in place to ensure the acceleration of the backlog of DNA matters on the court roll. The project has been very successful, as reported under the activities of the National Prosecutions Service (NPS).

Capacitating the NPA

An effort to fill posts left vacant over several years has been central to rebuilding the NPA. This has required working with the DoJ&CD and National Treasury to secure much-needed additional funding to address staff shortages while also attracting new critical skills to deal with the complexities of the current environment.

- Since additional funds were made available towards the end of 2019, the NPA has filled a total of 1 717 posts (excluding Aspirant Prosecutors), 868 of which were external candidates and 385 were contract appointments.
- The resuscitation of the APP resulted in the absorption of 555 Aspirants into the establishment. Approximately 100 staff, mainly administrative, were enrolled into the APP and ultimately absorbed into prosecutors' posts. An additional 308 Aspirants were enrolled into the programme in 2022.

Enhancing staff morale and well-being

Rebuilding a vibrant NPA meant addressing some of the factors that directly impacted on the morale and well-being of staff, ultimately resulting in undesirable productivity levels. A number of key interventions were identified and, within the limited resources and a COVID-19 tolerant environment, the following deliverables were embarked upon:

STRATEGIC INITIATIVES continued

- The Human Resources (HR) unit championed the conceptualisation of a Culture Change programme.
- The National Director hosted a successful racial inclusion webinar on 4 August 2021 as part of the Culture Change programme.
- A staff morale programme and plan were developed and Change Champions were identified.
- The training of Change Champions was completed within its set target.

In the coming financial year, the NPA will continue to drive change and enhance staff morale through the roll out of much more proactive and impactful cultural change and enhanced employee health and wellness deliverables.

New NPA Organisational Performance Monitoring Initiative

The NPA leadership adopted new monitoring and review processes to ensure effective strategy implementation, organisational performance and accountability. Three main performance monitoring and accountability reviews will form part of ExCo and ManCo oversight. All existing committees and division meetings will feed information and data into these structures, enabling a detailed overview of the organisation's performance and the ability to identify areas for improvement. The three review processes are:

- **Organisation performance review:** focusing on NPA core performance indicators as per the Annual Performance Plan targets.
- **Six-month priority review:** focusing on and reviewing the current six-monthly priorities and Task Force input, and identifying urgent impactful interventions needed.
- **NPA strategic initiatives review:** progress review of the NPA's longer-term strategic priorities and various initiatives such as Independence, Professional, Accountable and Credible (IPAC) processes, training, review of existing policies, new policies, etc.

Stakeholder engagements

The NDPP is a member of the Justice, Crime Prevention and Security (JCPS) Cluster Director-Generals (DGs) forum. The NDPP was the co-chair of the Restructuring Task Team (RTT), along with Adv. Khanyile of the Financial Intelligence Centre (FIC). The RTT was established to review the JCPS cluster and all its subcommittees to ensure more impactful and efficient activities. The work of the RTT is finalised

and a report was submitted to the DGs Cluster on 17 March 2022.

The NDPP is the co-chair of the multi-agency Anti-Corruption Task Team (ACTT) executive committee together with Lieutenant-General Lebeya, the National Head of DPCI. The ACTT is the central body mandated to give effect to the government's anti-corruption agenda.

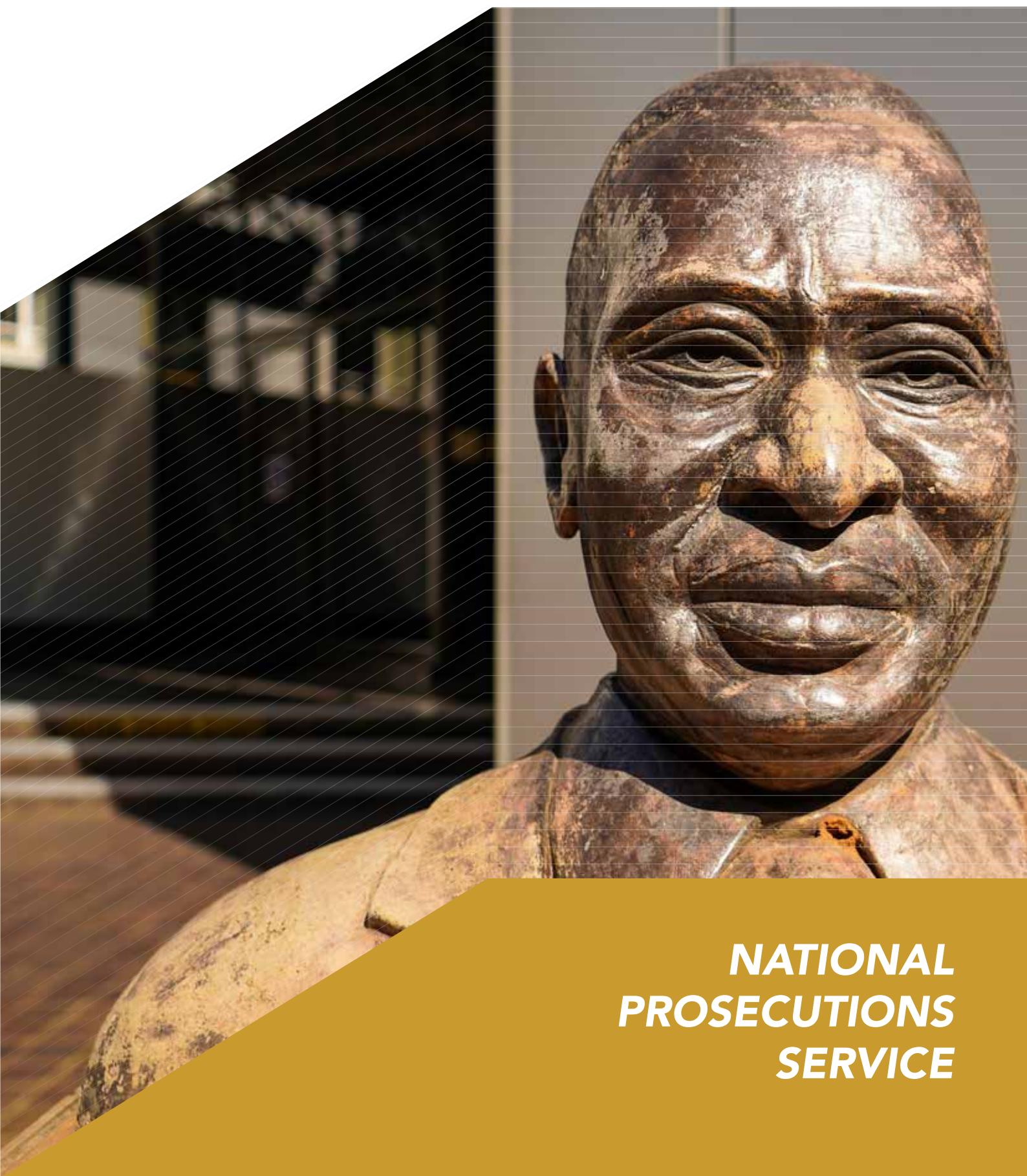
The NPA continues to strengthen its stakeholder relations globally through participation in international organisations like the International Association of Prosecutors (IAP), which safeguards the interests of its prosecutors. In 2020, the NDPP was appointed as an executive member of the IAP and virtually attended the 52nd ExCo Meeting of the IAP, which was held in St. Petersburg, Russian Federation on 20–21 October 2021.

South Africa is an additional member of the Executive Committee of the Africa Prosecutors Association (APA). Membership to the association is country based and, unlike the IAP, does not have individual membership. Member countries are often represented by the heads of their prosecuting authorities. COVID-19 had a negative impact on the programme and activities of the APA – however, a physical meeting of the Executive Committee, as well as the Annual General Meeting, was held in Cairo, Egypt in November 2021.

In the year under review, the NDPP has approved several Memoranda of Understanding (MOUs) in a bid to strengthen stakeholder relations. These include the following:

- MOU with the Auditor General South Africa aimed at enhancing the cooperation, efficiency and effectiveness of prosecutions in cases identified in the auditing process.
- MOU with South African Banking Risk Information Centre (SABRIC) relating to the exchange of information and collaboration in support of the prevention, detection, investigation and prosecution of organised bank-related crimes, financial and cyber-crime, as well as terror financing.
- MOU with Business Leadership South Africa (BLSA), PriceWaterhouseCoopers (PWC) and the NPA relating to training and process improvements regarding functions that may be performed by the AFU and matters incidental thereto.
- MOU with the Solicitor-General to improvement the management of legal representation of the NPA in litigation by ensuring that there is dedicated state attorney expertise allocated to the NPA.

03



NATIONAL
PROSECUTIONS
SERVICE

NATIONAL PROSECUTIONS SERVICE



Adv. Rodney de Kock
Deputy National Director of
Public Prosecutions: NPS

The National Prosecutions Service (NPS) leads a key part of the NPA's constitutional mandate by instituting criminal proceedings on behalf of the state and performing functions that may be incidental thereto. The NPS focuses on strategic, victim-centred, impactful prosecutions dealt with through general and specialised prosecutions.

Overview of progress during a challenging year

Eleven divisions, each headed by a DPP, are responsible for prosecutions within their respective areas of jurisdiction and exercise their powers under duties under the leadership of the DNDPP Adv. R de Kock. At the start of the financial year, several DPP posts were vacant, with acting appointments in these divisions. During March 2022, however, the last two vacant positions were filled by the appointment of Adv Nkebe Kanyane to the Mpumalanga Division of the High Court in Nelspruit and Mr Livingstone Sakata to the Northern Cape Division of the High Court in Kimberley. These followed the DPP appointments of Adv Navilla Somaru to the Free State Division of the High Court in Bloemfontein, Dr Rachel Makhari-Sekhaolelo to the North West Division of the High Court in Mahikeng (Mmabatho) and Adv Nicolette Bell to the Western Cape Division of the High Court in Cape Town.

A SDPP post within NPS' Head Office was also filled in March 2022 with the appointment of Adv Trish Matzke, who is responsible for General Prosecutions and Tax. These appointments will enhance stability and the sustainability of impact within the Divisions. It is the first time in a decade that all senior leadership positions within the NPS are filled with permanent staff.

The Priority Crimes Litigation Unit (PCLU), SCCU, SOCA Unit, Organised Crime Component and Specialised Tax Component at Head Office support the divisions in their prosecution of specialised matters.

 **The 2021/22 year was characterised by extraordinary challenges.**

All divisions within the NPA were negatively affected by COVID-19. Court closures for decontamination and deep cleaning had a negative effect on the finalisation of cases. Where cases were removed from the court roll or warrants were held over due to accused not being allowed in the building, efforts had to be made by the South African Police Service (SAPS) and the prosecutors to re-enrol the cases and ensure that the accused knew when they had to appear in court. Court officials (interpreters and other court staff) were also absent from work during isolation periods and witnesses did not come to court for fear of infection. Prisoners were not brought to court if there were reported infections in the prisons and many cases were postponed as a result. Whilst the methods of dealing with this disease created a "new normal" of doing business, it requires substantial adjustments to how law enforcement agencies operate and on how prosecuting and judicial functions are delivered.

The violence and looting in July 2021 was an unprecedented assault on South Africa's constitutional democracy, social contract and the rule of law. Despite



more than 2 000 unrest-related case dockets being registered during this period, reported crime generally decreased in the unrest related areas, allowing courts to deal with the unrest cases. Daily meetings between prosecutors and other key law enforcement agencies assisted in addressing challenges, such as prisoners not brought to court due to precautionary safety measures, and in taking proactive steps, such as seizing and dealing with abandoned looted goods.

The impact of the malware attack on the information technology systems of the DoJ&CD during September 2021 had an impact on prosecutors within the lower courts as communication via e-mail and the capturing of data onto the integrated Electronic Case Management System (ECMS) were affected. Connectivity to the ECMS was only restored in November 2021. In some courts, evidence had to be recorded manually resulting in the slower processing of trial cases. Local and provincial case management meetings with other stakeholders assisted in lessening the impact.

The resourcing of lower court staff by DoJ&CD remains a serious challenge. Budgets for the lower courts were reduced, resulting in a lack of essential equipment, IT infrastructure and general resources for lower court staff. Unreliable internet connectivity on the DoJ&CD network at the lower courts remains a challenge, affecting staff's ability to conduct virtual meetings and/or training.

The current office accommodation and working conditions in many lower courts are not conducive for effective service delivery. In some regions, several prosecutors are forced to share, often small offices, due to inadequate space. The ability of the affected prosecutors to be professional is affected as proper consultations with witnesses cannot take place in a conducive space.

The existing infrastructure at some courts is inadequate with, for example, severe water interruptions or shortages and power outages negatively impacting on court operations and resulting in the postponement of matters.

Despite these challenges and the disruptions caused by COVID-19, the NPS was able to build on key foundations for success.

An additional 390 Aspirant Prosecutors were appointed in January 2022; 13 additional dedicated prosecutors dealing with Truth and Reconciliation Commission (TRC) matters were appointed during the year; and 88 additional posts for dedicated specialist serious tax prosecutors were created, of which 49 have been filled. The total NPS establishment (legal and administrative staff) currently consists of 558 contract and 4 334 permanent staff.

Training was rolled out in the focus areas of corruption, narcotics, tax offences, organised crime and fraud, covering several business units in the NPA. Training on Prosecutor Guided Investigations (PGI) was conducted in all regions. The British High Commission also facilitated training on cybercrime, cryptocurrency and grand corruption/bribery.

Victims in South Africa are given the opportunity to participate in the criminal justice system through victim impact statements (VIS) when they are affected by the decisions to resolve a matter through alternative dispute resolution mechanisms (ADRM)s or by testifying before the court. In its efforts to enhance the court experience of witnesses and victims, the NPA employs Court Preparation Officers, who not only attend to the needs of victims of crime but ensure that they are given a greater role in the process of achieving justice. A total of 97 213 witnesses were assisted by the CPO and 7 813

NATIONAL PROSECUTIONS SERVICE continued

victim impact statements were facilitated. The number of witnesses assisted, in comparison with the previous financial year, increased by 58.1%.

The NDPP authorised ten racketeering prosecutions during the year. Amongst these authorisations, cases included crimes related to rhino poaching, abalone smuggling, drug dealing, corruption, tax fraud and trafficking in persons.

Twenty-three community prosecution sites focus on enhancing service delivery while ensuring expeditious justice in those communities. Community prosecution serves as the NPA's ear on the ground in terms of the local crime dynamics. This provides context to the local prosecution response in terms of which local crimes and or specific community irritants are prioritised and addressed. Of the 23 initiatives, the majority relate to GBV (13), followed by substance and drug abuse (5), stock theft (3), reduction of assaults (1) and liquor outlets (1). Campaigns to educate the public on the services provided and roles played by the community prosecutor are conducted as part of awareness raising and educating citizens on prosecution and crime prevention. SAPS and non-profit organisations also participate in most of these engagements.

The NPS also participated in various initiatives and partnerships in response to strengthening legal frameworks. This includes the Fusion Centre, which responds to maladministration and corruption linked to COVID-19 relief funds. The activities of the Fusion

Centre, in collaboration with key law enforcement partners, have resulted in 61 court cases involving 126 accused persons. Convictions were secured in 17 of the court cases with only one acquittal.

As member of the ACTT, the NPS – and in particular the SCCU – works in close collaboration with other stakeholders and, in the past 10 years, has secured 61 convictions in high-profile cases under the oversight of the ACTT.

Most importantly, focused attention was given to the reports of the Zondo Commission with the DNDPP, NPS as chair of the NPA Task Force. Collaboration and action plans were developed, internally as well as with the DPCI, on the coordinated investigation, prosecution and monitoring of cases related to the Zondo Commission. These include the proactive identification of cases to be prioritised by the various departments as well as in consultation with the ID and various divisional DPPs. The sharing and alignment of resources in this regard are critical factors to ensure effective and efficient progress on all of these high profile and complicated cases.

Performance of the NPS

The NPS contributes towards the following NPA sub-outcomes:

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

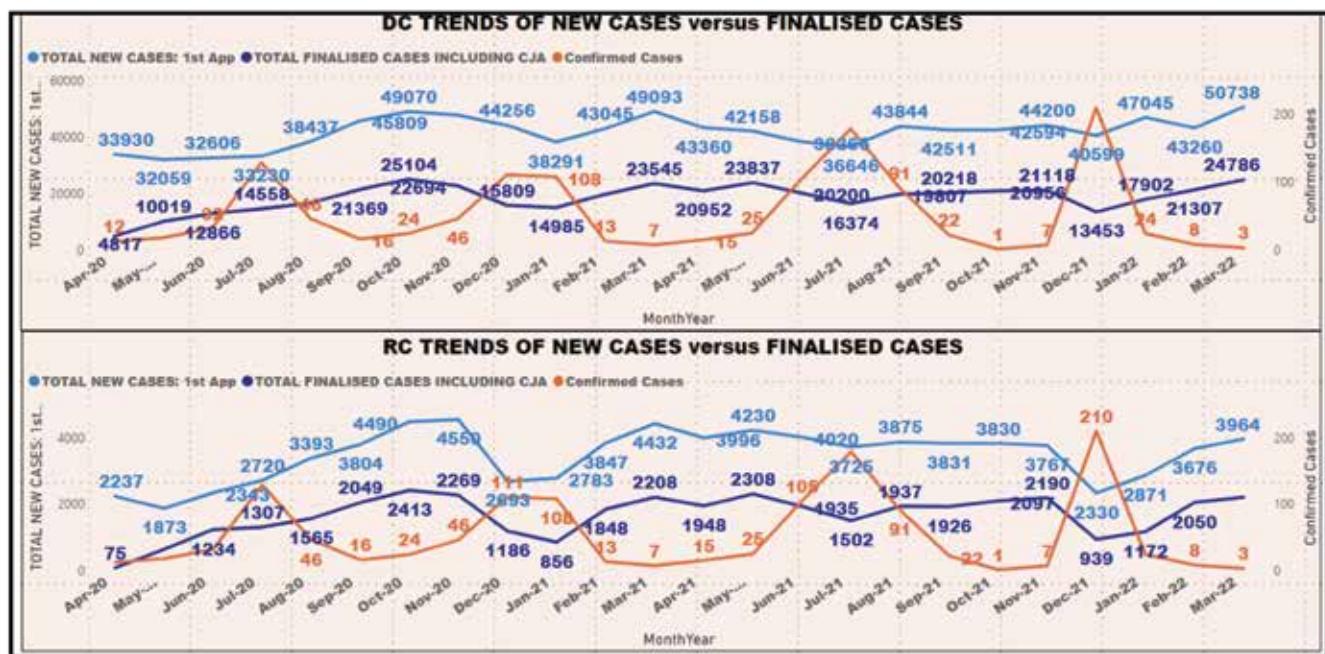
Table 1: NPS conviction rate performance in all courts

Output indicator	Past performance		Current performance	
	2018/19	2019/20	2020/21	2021/22
Conviction rate in High Court	90% (869)	90.9% (782)	93.8% (542)	91% (648)
Conviction rate in Regional Court	81.7% (22 882)	82.5% (21 246)	82.6% (13 352)	80.6% (16 433)
Conviction rate in District Court	95.7% (236 705)	95.3% (195 439)	95.9% (116 230)	93.9% (124 152)

High conviction rates were maintained in all court levels, with 91% in the High Courts, 80.6% in the Regional Courts and 93.9% in the District Courts. Marked progress was made in improving case finalisations over 2020/21, but the impact of COVID-19 has continued to negatively impact on court performance.

The following graphs, which compare new and finalised cases (both verdict and ADRM) in relation to the monthly infections of COVID-19 within the NPA, illustrate clearly the effect that COVID had on both incoming cases and the finalisation of cases. When infections increased, the number of new and finalised cases generally decreased.

Figure 1: New and finalised cases versus COVID-19 infections among NPA staff



* Due to the high variance in numbers, the graph has a primary Y-axis (on the left reflected by two blue lines) and a secondary Y-axis (on the right reflected by the orange line)

Representations

A representation is an appeal submitted to the NPA by an individual or nominated representation in the event that the person concerned is dissatisfied with the decision taken by the prosecutor to prosecute or not to prosecute a case, or with the manner in which the prosecutor dealt with the case (whether procedurally or ethically). Representations and reasons for decisions are key in ensuring confidence in the NPA.

A total of 1 288 representation files were opened at Head Office during the reporting period. A total of 915 files were finalised, with 373 files pending as at 31 March 2022. A total of 139 matters falling in the general stream were formally reviewed in terms of

section 179(5)(d) of the Constitution of the Republic of South Africa, 108 of 1996. In only eight instances was the decision of the DPP overturned or not confirmed. The various specialist components prepared 72 review memoranda in matters that were decided.

SCCU's role in responding to commercial crime and corruption

The NPA works in close collaboration with other stakeholders on corruption and other serious and complex commercial crime matters.

The SCCU, headed by Adv. L Baloyi, has narrowed its focus to the more serious and complex commercial crime cases.

Table 2: Conviction rates in complex commercial crime

Output indicator	Past performance		Current performance	
	2018/19	2019/20	2020/21	2021/22
Conviction rate in complex commercial crime	95% (760)	92.3% (599)	90.2% (277)	90.5% (344)

Complex commercial crime cases require a multi-disciplinary approach to investigate and successfully prosecute. The SCCU finalised 380 cases with a verdict, 73 more than the previous year, obtaining 344 convictions. An exceptional conviction rate of 90.5% was achieved, representing a marginal increase (0.3%) in performance compared to the previous financial year.

Anti-corruption in numbers

SCCU finalised cases with verdict



380

344 convictions (90.5% conviction rate)

73 more than the previous year

ACTT priority case list

37 cases

of corruption relating to municipal officials responsible for dealing with public funds

18 cases currently enrolled



380

Number of government officials convicted for corruption/related offences



209

Number of persons convicted of private sector corruption



86

Number of money laundering cases finalised with verdict



R18 billion+

Value of alleged bribes paid, with most bribes paid in the SOE sector



370

Completed confiscation and forfeiture orders

Estimated value of R406 million

R5.5 billion

Number of freezing orders

R281 million

Value of recoveries



99%

AFU success rate

R117 million

Recoveries



82

State capture cases (ID) investigations

65 accused enrolled for prosecution in 20 cases

R2.1 trillion

Value of investigations cover contracts

To increase the footprint of the SCCU, 18 dedicated commercial crime courts were established in all regions, enabling cases to be finalised more speedily. There are three dedicated courts in the Limpopo Division and one each in the Mpumalanga, North-West and Free State Divisions. The Western Cape and Gauteng Local Divisions (Pretoria) have two dedicated courts each. The Gauteng South Division should have four dedicated courts, but only three are currently active. The Eastern Cape Division has three dedicated courts, in Gqeberha, East London and Mthatha.

The total establishment, legal and administrative staff, currently consists of 242 contract and permanent staff members (4.3% of the NPA staff), with 91.7% of the legal staff having more than 10 years' experience. A number of experienced contract staff enables knowledge sharing, assists in skills development and ensures a high quality of prosecutions.

The SCCU closely monitors progress on matters identified by the Inter-Ministerial Task Team (IMTT) in the North-West Province. Of 51 current matters, 13 are in court and another 22 are still under investigation. Eleven cases were closed as having no prospect of

successful prosecution due to witnesses or evidence no longer being available, because no criminal acts were committed or because accused could not be identified from the available evidence. Sixteen cases were finalised, five with convictions.

The ACTT, guided by the ACTT Executive Committee, is co-chaired by the NPA and DPCI. One of the functional teams of the ACTT Executive Committee focuses on case management to ensure the maintenance and monitoring of a Priority Case List of serious corruption cases.

During the financial year, decisions were made in 34 cases on the ACTT Priority Case List that had been outstanding for longer than five years, representing 22.5% of the outstanding matters. The majority of these matters are complex and the case dockets generally contain more than 500 statements.

The ACTT Priority Case List includes 37 cases of corruption relating to municipal officials responsible for dealing with public funds, such as supply chain managers, chief financial officers, accounting officers and directors. Of these, 18 cases are currently enrolled in courts.

Table 3: NPS fraud and corruption performance

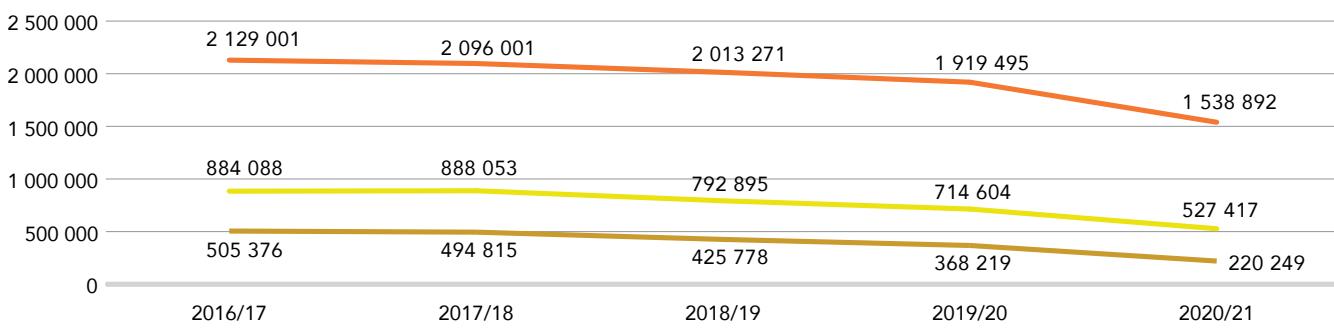
Output indicator	Past performance		Current performance	
	2018/19	2019/20	2020/21	2021/22
Number of government officials convicted for corruption or offences related to corruption	210	183	86	130
Number of persons convicted of private sector corruption	143	233	147	209
Conviction rate in complex tax cases	n/a	n/a	88.5% (69)	98.2% (113)
Number of cases finalised with a verdict involving money laundering	n/a	n/a	44	86

NATIONAL PROSECUTIONS SERVICE continued

In 2014/15, the definition of corruption related only to the corruption of JCPS officials. A change in definition to include all government official corruption resulted in an increase in numbers in 2015/16. At the end of the 2017/18 financial year, the NPA included private sector corruption and has since measured both corruption in

the private sector as well as corruption of government officials. At the end of the current financial year, 130 government officials were convicted for corruption or offences related to corruption and 209 persons were convicted of private sector corruption.

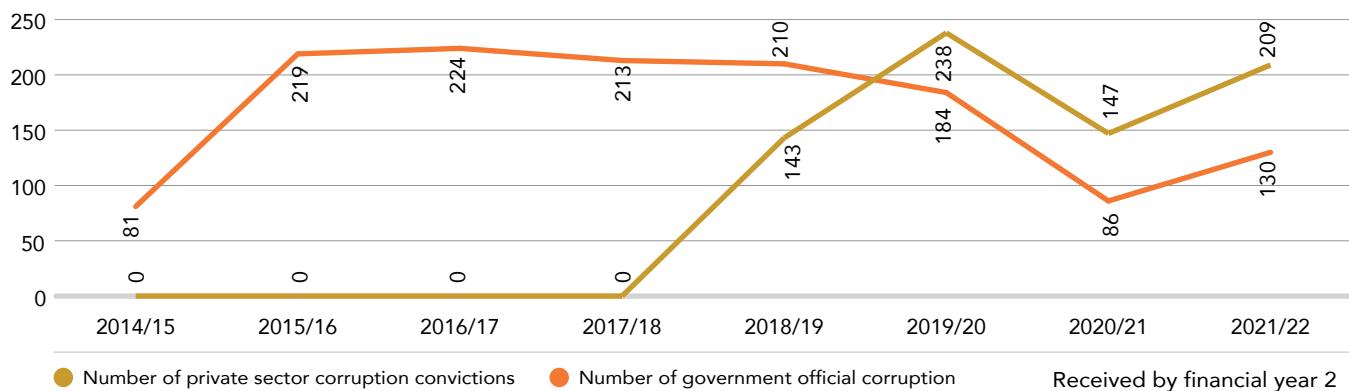
Figure 2: Case attrition: Trend over five-year period¹



Not all cases registered with the SAPS get transferred to the NPA. There are many reasons for this. First, many cases that get reported to SAPS do not result in an arrest. Second, a large number of cases relate to minor offences where admission of guilt fines are set by SAPS and paid. Third, some of the reported cases are never resolved as no perpetrator is identified. This is often the case in housebreaking, theft out

of a vehicle and other cases reported for insurance purposes. Another reason relates to the disparity in data collection approaches between the two organisations² and/or the time-lag between reporting, investigation and enrolment. The graph shows that there is a correlation between new cases received by the NPA and cases finalised (including ADRM) in terms of both the trend and pattern.

Figure 3: Comparison of private sector persons and government officials convicted of corruption



While vigorously pursuing complex long-term corruption cases, the NPS is also addressing simpler statutory cases as part of a strategic approach to combat corruption. Regular meetings are attended by the SDPP SCCU and stakeholders from the health sector, local government and the Infrastructure Build

Anti-Corruption Fora, where cases are monitored, feedback provided and information shared on the progress of cases. In addition, actions to prevent similar offences being committed and coordination between these institutions and law enforcement agencies is promoted.

¹ This graph is based on Crime Statistics released by SAPS on an annual basis, as well as NPA performance data.

² SAPS count the number of charges or counts whereas NPA counts number of cases. A criminal court case may have multiple counts and/or accused and can involve multiple police dockets. A single docket may result in multiple court cases.

Notable corruption cases dealt with by NPS

Road Traffic Inspectorate officials: The Durban SCCU sentenced five Road Traffic Inspectorate officers from the uMngeni licensing office in Howick to various terms of imprisonment after they were convicted for their role in the commission of 503 counts of fraud. The accused assisted numerous motor vehicle learners license applicants to pass their license tests. The court handed down sentences of eight years imprisonment (wholly suspended for five years on condition that the accused is not convicted of fraud or theft during the period of suspension), four years imprisonment and seven years imprisonment, respectively.

State vs Tshabalala and others: In the Gauteng Local Division, the accused (former municipal employees) were convicted of 17 counts of theft from the Randfontein Municipality to the value of R4 million. Accused 1 was sentenced to 15 years imprisonment, while accused 2 and 3 were sentenced to eight years imprisonment.

Peter Henderson and Louis Henderson: The brothers were sentenced to 15 and 12 years imprisonment respectively in the Durban Specialised Commercial Crimes Court after they were convicted of fraud amounting to about R4.6 million, theft amounting to about R1.6 million, reckless and negligent trading, and contravention of Section 11 of the Banks Act, 94 of 1990, for offences committed in 2002 and 2003. Peter Henderson was also convicted for failing to comply with a Reserve Bank instruction. The brothers operated a Durban-based entity called Forex International that accepted deposits from the public despite not being registered to do so. They told investors that their investments were guaranteed. However, they lost the monies offshore and used approximately R1.6 million for their own benefit. They were arrested by the police after an investigation by the South African Reserve Bank.

State vs Mamba and two others: The former mayor of the Nketoana Local Municipality in the Free State, Mandla Mamba, along with two co-accused, was found guilty of tender fraud and corruption on 20 September 2021. In August 2011, Mamba and Vincent Mkhefa (Chief Financial Officer at the time) awarded a tender to Caroline Nketu (a service provider) for the installation of equipment in the parks. Incorrect procurement procedures were followed, quotations were inflated and Nketu paid kickbacks to the municipal officials. Mamba was sentenced to eight years in prison for fraud and money laundering that had cost the municipality more than R364 000. Co-accused Mkhefa was sentenced to eight years imprisonment while Nketu was sentenced to four years.

State vs Moraka and another: Accused 1 was employed by Eskom as Financial Controller for Primary Energy in Gauteng. Accused 2 was a sole member/director of Megra Transport CC. Acting together, accused 1 and 2 submitted fraudulent claims on the basis that Megra Transport CC had transported and delivered coal to Eskom power stations, which was not the case. The total loss to Eskom amounted to R356 million. Both accused pleaded guilty and were sentenced to an effective term of 20 years imprisonment.

Serious violent crime

 **3 600**

murder cases finalised by the NPA, with a verdict.

 **2 787**

convictions obtained, with a conviction rate of 77.4%.

Trio crimes encompass three categories of crime that impact perceptions of safety within the community: house robberies, business robberies and vehicle robberies (hi-jacking). In promoting safety and security within South African society,

 **1 038 convictions**

were obtained from 1 277 trio crime cases finalised with a verdict (81.3% conviction rate). Both the number of convictions and the number of cases finalised with a verdict increased significantly compared to the previous financial year.

Table 4: Serious violent crime performance

Output indicator	Past performance		Current performance	
	2018/19	2019/20	2020/21	2021/22
Conviction rate in murder prosecutions	78.3% (3 601)	80.1% (3 193)	79.3% (2 123)	77.4% (2 787)
Conviction rate in trio crimes	82.4% (1 578)	82.2% (1 355)	85.2% (809)	81.3% (1 038)

Notable cases

State vs Melisizwe Monqo, Siphosihle Pamba and Phumlani Qhusheka: The Western Cape Division of the High Court sentenced pastor Melisizwe Monqo (32), his wife Siphosihle Pamba (26) and hitman Phumlani Qhusheka (31) to long-term imprisonment following their conviction on charges of kidnapping, robbery with aggravating circumstances and murder of Hlompo Koloi. This case involved a scam where Monqo and his wife took out life insurance policies on behalf of church members, his ex-lover and the mother of his child. They planned their murders with the intention of benefitting from the payment of life insurance policies amounting to more than R26.9 million. The pastor was sentenced to life and 252 years and three months imprisonment. His wife was sentenced to an effective 20 years imprisonment and Qhusheka was sentenced to life and 63 years.

State vs Luthando Siyon: The accused was convicted in the Eastern Cape High Court of the murder of Jayde Panayiotou who was married to Christopher Panayiotou. The successful prosecution of Panayiotou for the murder of his wife was widely reported on. The accused (Siyoni) worked for Panayiotou as a bouncer and had agreed to assist him in recruiting a hit man to commit the murder. The accused recruited Sizwe Vumazonke to carry out the contract killing. Both Panayiotou and Vumazonke were convicted of the murder of Jade. Siyon was the first to be arrested and initially assisted the police in obtaining further information from Panayiotou via a sting operation where the meeting was recorded. He was treated as a possible witness and made a detailed statement in terms of section 204 of the CPA, after which the charges were withdrawn against him. Siyon was due to testify in the trial in which Panayiotou, Nenembe and Sibeko were charged but became a hostile witness and refused to answer any questions. Panayiotou and Nenembe were convicted and sentenced to life imprisonment. Sibeko was convicted on a charge of conspiracy to commit murder and sentenced to 15 years imprisonment. Vumazonke died after being poisoned whilst in custody. The High Court ordered that Siyon was not absolved from prosecution. The accused was subsequently recharged for the murder, convicted and sentenced to life imprisonment. In a twist of events, husband killer Panayiotou testified against him.

State vs Rosemary Ndlovu: Ndlovu was charged with killing six relatives for financial gain. The accused was an SAPS Constable stationed at the uniform branch of the Tembisa South police station. The deceased and complainants are all relatives of or had a relationship with the accused. The accused held numerous insurance policies for the deceased and complainants, with the exception of the deceased in count 11 and the child complainants in counts 15 to 19. Most of these insurance policies were taken out by the accused shortly before the deaths of the deceased or the conspiracies to murder the complainants occurred. The accused received approximately R1 384 959 from insurance policies. The State's case against the accused in respect of some of the murder counts was circumstantial and was based on the accused's modus operandi. She was charged with six counts of murder, three counts of defeating the end of justice, four counts of fraud, one count of conspiracy to commit murder and eight counts of attempted murder, alternatively conspiracy to commit murder. She was convicted and sentenced to six life sentences plus an additional 135 years.

State vs Motseki Samuel Talasi: Talasi was sentenced to life imprisonment in the Western Cape Division of the High Court after being convicted for the murder of his 17-year old step-daughter, Sandisiwe Mona. The accused lived and worked in Misgund and only visited his wife in Nokuthula fortnightly. The accused visited his wife on the weekend of 13 April 2019, but she left to attend the funeral of the deceased's grandfather in Kareedouw, leaving the deceased with the accused. The accused told his wife telephonically that the deceased was not at home and when she returned, the deceased was reported missing. Four months later, a skull was discovered in the bushes in Laywood, Plettenberg Bay. The accused alleged that he had a vision of where the deceased's clothes were, which led his wife to become suspicious. The accused also led the community to more of the deceased's bones as a result of the vision. The state argued during the trial that the accused did not have visions but was speaking from his personal knowledge, camouflaged as a vision as he claimed to be a prophet.

State vs Katchidza: The High Court in Pretoria sentenced Katchidza to life imprisonment for multiple counts of murder, rape, kidnapping, extortion and robbery. He planned his attacks and committed them by bludgeoning his victims to death. The accused lured his male victims by pretending to ask for their assistance with driving. He would kidnap them and demand ransom money from their families. After receiving payment for the release of the victims, the accused killed them. He pretended to offer employment opportunities to three female victims, after which he lured them to a close-by bush or veld, raped them and robbed them of their belongings before leaving. The crimes took place in and around Pretoria between January 2018 to December 2019. The accused was arrested in January 2020 after an intelligence-driven operation and was later linked by DNA evidence to the rape counts.

NATIONAL PROSECUTIONS SERVICE continued

Gender-based violence and femicide

The SOCA Unit, headed by Adv. B Currie-Gamwo focuses on cases involving the victimisation of women and children, including but not limited to, sexual offences, human trafficking, domestic violence, the management of young offenders and the enforcement of child maintenance orders. Pillar 3 of the National Strategic Plan on Gender Based Violence and Femicide (GBVF) sets out to address the systemic challenges that have resulted in an inadequate response to the management of GBVF cases, placing certain obligations on the SOCA Unit.



Conviction rate in
Femicide Prosecutions
(2021: 94.3)



Conviction rate in Murder Intimate
Partner Femicide Prosecutions
(2021: 93.1)



Conviction rate in sexual offences
(2021: 75.8)

Table 5: GBVF performance

Output indicator	Past performance		Current performance	
	2018/19	2019/20	2020/21	2021/22
Conviction rate in Femicide Prosecutions	n/a	n/a	94.3% (231)	94.3% (396)
Conviction rate in Murder Intimate Partner Femicide Prosecutions	n/a	97.7% (87)	93.1% (190)	93.8% (316)
Conviction rate in sexual offences	74.4% (4 724)	75.2% (4 098)	75.8% (2 539)	74.3% (3 379)

GBVF remains a pervasive challenge in South Africa, with an increasing number of GBVF incidents reported to SAPS. The NPA continued to place special emphasis on prosecuting these matters, obtaining a conviction rate of 74.3%.

Femicide is the killing of a female person (or perceived female person based on gender identity) specifically due to her gender, whether committed within a domestic relationship, interpersonal relationship or by any other person. A conviction rate of 94.3% (396 convictions from 420 verdict cases) was obtained for femicide.

Murder 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, 316 convictions were obtained from 337 verdict cases, representing a 93.8% conviction rate. This is a 1% improvement in the conviction rate compared to the previous financial year.

The fight against violent crime, particularly murder and rape, has recently been undermined by the challenges around the management of forensic DNA due to shortages of essential chemicals required for the DNA

analysis. This has resulted in a national backlog of these cases being prosecuted in courts. The SOCA Unit and SAPS Forensic Sciences Laboratory (FSL) established a partnership to reduce the backlog in DNA processing. The DNA Backlog Project entails the prioritisation of long-outstanding DNA results, monitored weekly in collaboration between SOCA officials and members from the SAPS FSL. As soon as results are received by SOCA officials, they are distributed to the various DPP offices where the reports containing the results of the DNA analysis are reconciled with the relevant case docket, whether in court or awaiting decision. The project has reaped large successes with more than 8 554 reports distributed to the various DPP offices. A substantial increase in verdict cases related to sexual offences was recorded, from 3 349 in the previous financial year to 4 547 verdicts in the year under review.

The SOCA Unit is also obligated to facilitate access to justice, safety and protection in response to the needs of GBV victims using legislation, policies, international and regional protocols, and through addressing the infrastructural and resourcing challenges that obstruct the optimal delivery of justice to survivors. This is achieved through the Thuthuzela Care Centres (TCCs), which improve access to survivor support services and victim-centric criminal justice services by being sensitive to and meeting victims' needs.

Five additional TCC sites were established during this financial year, bringing the total to 60. During the reporting period 34 456 matters were reported at the TCCs. A conviction rate of 76.7% was obtained for cases reported at the TCCs. 201 accused were sentenced to life imprisonment, 106 accused were sentenced to 20–25 years imprisonment and 378 accused were sentenced to imprisonment between 10 and 19 years.

Table 6: Number of operational TCCs

Output indicator	Past performance		Current performance	
	2018/19	2019/20	2020/21	2021/22
Number of operational TCCs	55	55	55	60

Notable cases

Brian Mudywayana: Serial killer and rapist Mudywayana was sentenced to six terms of life imprisonment by the High Court in Swellendam. He was convicted for the premeditated murders of Moleboheng Mafata, Gladys Ntondini, Grace Hondo, Naume Gwengwe, Lungelwa Dangatye and Michael Pekaan. He went on a killing spree between 2016 and 2017, murdering five women and a man in Swellendam, Bredasdorp, Mossel Bay and De Doorns. He lured the women with false promises of employment. He was also convicted on a count of robbery with aggravating circumstances and two counts of the Contravention of the Refugees Act, 130 of 1998. The remains of the women were found dumped in open fields in several towns.

Mfanasibili Cornelius Mnisi: A triple life sentence was handed down to Mnisi (29) by the Mpumalanga Division of the High Court in Mbombela after he was convicted of several charges relating to GBVF. The crimes were committed between December 2011 and November 2015. During December 2011, the accused took advantage of an 18-year-old woman after she lost contact with her friends at a tavern in Matsulu. He offered to take her home but detoured along the way and drove to his house, held her hostage using a knife and raped her. In October 2014 he offered a lift to another woman, took her to a secluded area where he raped her, strangled her to death and dumped her body in a river. In November 2015, the accused invited another woman to visit him at his house. He took her to a secluded area at night where he raped and strangled her until she was unconscious. The accused thought that the woman was dead and, as a result, dumped her in the Kruger National Park. She regained consciousness and managed to find help.

NATIONAL PROSECUTIONS SERVICE continued

State vs Dlamini: Dlamini (40) from Zamdela in Sasolburg was sentenced to 20 years imprisonment after he was found guilty of raping a mentally ill woman. On the day of the incident, the accused was going to work at a Sasolburg firm when he saw the victim. He lured the victim behind one of the buildings and raped her. A police officer in the vicinity observed the accused and the victim going behind the building. He followed them and found the accused raping the complainant. The victim was sent for mental assessment and a psychiatrist confirmed that she is mentally ill and cannot follow court proceedings. He also confirmed that she was not in a position to give consent.

State vs Nikana: A 36-year-old man from Clocolan was sentenced to six life terms in the Free State High Court after he was found guilty of raping his 14-year-old daughter six times between May and July 2021. The victim lived with the accused, his wife (who is her stepmother) and two other siblings. In May 2021, the accused told his wife that his late brother told him in a dream, "to get rid of the tokoloshe that was inside the victim". On the same night, the accused raped the victim. The wife tried to reprimand him but he assaulted her. He threatened to kill both of them if they told anyone what he did. The last rape incident took place on 25 July 2021. A day later, the accused's sister visited the family and the wife told her what the husband had done. The sister reported her brother to the police and he was arrested.

Xolani Ntuli: The Empangeni Regional Court sentenced Ntuli (26) from Nseleni to a double life sentence for the rape of two minor girls, aged 10 and 11 years old, between 2016 and 2018. One of the victims was his niece, while the other was a neighbour's child who often came over to play with his niece. The man lived in the same homestead as his niece. He raped her once and the other girl on different occasions. Neither of them reported the rapes as he threatened to harm them and their families if they did. However, during a virginity testing ceremony in the area, the incidents came to light and, in response to questioning, the victims revealed that the accused had raped them. The man was traced by police and arrested. One victim indicated that she was still traumatised by the incident and struggles to sleep at night. She is always scared to be alone. She said that she struggles to concentrate at school and this has affected her studies. The other victim said that she felt dirty and ashamed. She wishes she could start life afresh, without having this experience. She is afraid of men and doesn't trust them.

Organised crime

Organised crime threatens peace and security in a self-perpetuating cycle, damaging governance and the rule of law. Organised crime increased across Africa during the COVID-19 pandemic and, to date, has not shown any signs of slowing down. This trend is evident in South Africa with the Global Organised Crime Index ranking South Africa 19th out of 193 countries.

The Organised Crime Component obtained 185 convictions from 193 verdict cases (95.9% conviction rate) in 2021/22.

**95.9%**

Conviction rate in organised crime
(2021: 92.5)

**97.1%**

Conviction rate in environmental crime
(2021: 96.8)

**97.4%**

Conviction rate in cybercrime prosecutions
(2021: 99)

**87.9%**

Conviction rate in copper theft and essential infrastructure prosecutions
(2021: 88.4)

Table 7: NPS conviction rate performance for organised crime

Output indicator	Past performance			Current performance
	2018/19	2019/20	2020/21	2021/22
Conviction rate in organised crime	94.8% (294)	95.3% (242)	92.5% (172)	95.9% (185)
Conviction rate in environmental crime	98.2% (1 222)	97.1% (857)	96.8% (722)	97.1% (702)
Conviction rate in cybercrime prosecutions	99.1% (440)	98.5% (320)	99% (88)	97.4% (149)
Conviction rate in copper theft and essential infrastructure prosecutions	85.6% (462)	86.2% (544)	88.4% (409)	87.9% (954)

Illegal mining, essential infrastructure offences, environmental crime, drug and drug related matters, cybercrime and money laundering are all types of organised crime.

Illegal mining

The NPS successfully obtained convictions in 325 cases related to illegal mining, of which 91 cases resulted in direct imprisonment. Convictions were obtained on charges of theft, possession of unwrought precious metals, illegal mining, trespassing and being in the country illegally. The NPA prefers to impose money laundering charges, in terms of Section 6 of the Prevention of Organised Crime Act, 121 of 1998 (POCA), against groups of illegal miners where evidence is available that money was disguised, because increased minimum sentence legislation applies to money laundering charges. Illegal mining

and theft of chrome from mines is exacerbated by a legislative vacuum to manage the possession, disposal and transportation of chrome. The NPA is participating in a legislative working group to draft amendments that address the shortcomings, not only pertaining to chrome, but other pieces of legislation related to illegal mining.

Essential infrastructure crimes

Damage to and tampering with essential infrastructure results in major service delivery interruptions as well as negatively impacting on the economy. Essential infrastructure crimes include, but are not limited to, the theft of fuel from pipelines, theft of transformers and batteries from cellular towers, and the theft of cables and equipment from railways and power stations.

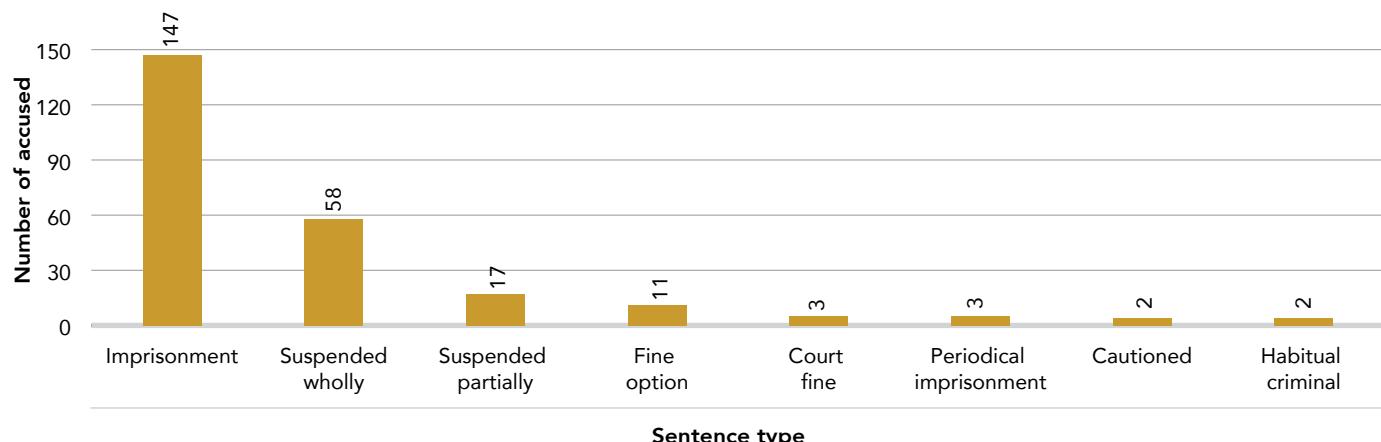
NATIONAL PROSECUTIONS SERVICE continued

With a conviction rate of 87.9%, most accused convicted of essential infrastructure crimes were sentenced to direct imprisonment.

Cable theft is highly organised and has a significantly negative impact on businesses, communities and

the economy. It is estimated that cable theft costs the South African economy between R5 billion and R7 billion a year. The NPA obtained 193 convictions from 210 verdict cases, recording a 91.9% conviction rate in cable theft matters.

Figure 4: Sentences imposed on accused convicted of tampering or damage to essential infrastructure from April 2021 to March 2022



Environmental crime

Environmental crime includes a broad list of illegal activities that harm the environment, wildlife, biodiversity and natural resources. During the last financial year, a 97.1% conviction rate was achieved by obtaining 702 convictions from 723 verdict cases.

A significant increase in the poaching and cross-border smuggling of live pangolins from neighbouring countries has been recorded since 2016. This has led to a collaboration between the NPA, Department of Environment Forestry and Fisheries (DEFF), the Endangered Species Unit of the police, private stakeholders and experts to monitor cases, provide evidence in aggravation and ensure the proper rehabilitation of seized pangolins. There is an additional focus on conducting further scientific studies on this species, which is internationally recognised as the most trafficked in the world.

ordinary crime committed within cyber space, where information and communication technologies (ICTs) are used as an instrument, target or means of perpetuating further crimes.

Despite these cases being complex in nature and encompassing a high level of technical evidence, a special focus on the prosecution of cybercrime cases resulted in a high conviction rate of 97.4% (149 convictions from 153 verdict cases).

The NPA is collaborating with other stakeholders nationally and internationally during the phased implementation of the Cybercrimes Act, 19 of 2020. This Act, which came into effect in 2021, will provide guidance and clarity on the identification and prosecution of these matters. Prosecutions during the current financial year were mostly conducted in terms of common law offences and other existing statutory crimes, where crimes were committed with the use of technology.

Drugs and drug-related matters

In line with the National Drug Master Plan 2019-2024, various initiatives were implemented by the regions to deal effectively with drugs and drug-related matters. The NPA obtained an overall conviction rate of 94.2% in drugs and drug-related matters.

Money laundering
The NPA has enhanced its focus on addressing money-laundering linked to illegal wildlife trafficking (IWT). The NPA participated in the Financial Action Task Force (FATF) typology study pertaining to this subject matter in 2020, resulting in the release of a FATF report in 2021.

Cybercrime

Although new technologies create new criminal opportunities, cybercrime is an extension of

Under the auspices of the FIC, the NPA is an active

member of the South African Anti-Money Laundering Integrated Task Force (SAMLIT), a private-public working group that has three main focus areas: enhancing a collective understanding of financial crime trends; facilitating effective coordination between financial institutions and law enforcement in identifying, detecting and disrupting financial flows from IWT; and increasing the successful detection and investigation of financial crimes as well as money laundering prosecutions linked to IWT.

Tax prosecution

Prosecutors from the dedicated tax component obtained 113 convictions from 115 verdict cases (98.3% conviction rate).

Priority Crimes Litigation Unit

The PCLU supports the respective divisions in the prosecution of crimes contemplated in the Implementation of the Rome Statute of the International Criminal Court Act, 27 of 2002, and serious national and international crimes, including acts of terrorism and sabotage committed under the Internal Security Act, 74 of 1982, high treason, sedition, foreign military crimes committed by mercenaries and similar priority crimes.

The PCLU is currently dealing with more than 30 cases, providing guidance and legal research to the prosecutors in these matters.

The PCLU engaged with domestic security agencies and the Mozambican Attorney-General's Office to provide advice on police investigations and prosecutions relating to the attacks in Palma,

Mozambique in March 2021, during which at least one South African citizen died. The PCLU also considered cases relating to the July 2021 unrest in order to establish whether terrorism charges are preferred. The PCLU assisted in two extradition requests pertaining to fugitives that were received from the International Residual Mechanism for Criminal Tribunals (IRMCT).

The PCLU is part of the Counter Terrorism Functional Committee led by the State Security Agency (SSA) and the Interdepartmental Counter Terrorism Working Group led by the Department of International Relations and Cooperation (DIRCO), which manages and monitors terrorism-related activities and terror financing. The PCLU also forms part of DIRCO's Sanctions Committee, which deals with violations or issues raised by the respective United Nations (UN) Security Council Committees.

The PCLU played a key role in the compilation of South Africa's National Risk Assessment (NRA), the review of the Counter-Terrorism Strategy and amendments to the Prevention of Constitutional Democracy Against Terrorism and Related Activities Act, 33 of 2004 (POCDATARA) – all the amendments proposed by the NPA were accepted and incorporated into the draft Bill. It also contributed to the new Code of Conduct issued by the Non-Proliferation Council (NPC) of the Department of Trade and Industry (DTI).

The PCLU provides essential guidance and tailored training to stakeholders, partners and key role players on issues such as foreign terrorist fighters, terror financing and proliferation financing on an ongoing basis.

Notable cases

State vs B Thulsie and another: The accused are twin brothers and South African citizens. They were charged with 12 counts relating to the contravention of South Africa's primary counter-terrorism legislation (POCDATARA) – specifically, a conspiracy to carry out terrorist activities in South Africa and an attempt to leave South Africa to join a terrorist entity named the Islamic State of Iraq and the Levant in Syria. They entered into a plea and sentence agreement with the state, under which each pleaded guilty to two counts. Accused 1 Brandon Lee Thulsie was sentenced eight years imprisonment and accused 2 Tony Lee Thulsie to six years imprisonment. This matter created new jurisprudence, as it was the first conviction relating to international terrorism in South Africa.

HJ Knoesen: It is alleged that Knoesen (63), a retired pastor and former South African National Defence Force member, was planning terrorist activities and a coup d'état between December 2018 and November 2019. Knoesen, the 'General' of a right-wing group called the Crusaders, is accused of planning an insurrection and the genocide of black people. More than two years after his arrest, his trial started on 28 April 2022.

NATIONAL PROSECUTIONS SERVICE continued

Truth and Reconciliation Commission matters

Bringing justice to the victims of crimes committed during the apartheid era is a priority for the new leadership of the NPA. These heinous crimes remain a scar on our country and the NPA owes it to victims to ensure that justice is delivered, despite the long passage of time. To move forward on these complex cases, the NPA has created dedicated capacity and additional posts to deal with TRC cases. Thirteen additional prosecutors were appointed to assist with these cases. In total, the NPA has 23 dedicated prosecutors working on these matters in collaboration with the 34 dedicated DPCI investigators who were recently appointed.

From 53 cases at the beginning of April 2021, the component had 115 cases at the end of March 2022, almost doubling the number of matters for investigation in one year. The cases have been identified from sources such as the TRC report, evidence presented at the TRC, reports received from family members of deceased persons and from all deaths in detention.

Some of the death-in-detention matters date from the 1960s and 1970s, where the case dockets and possible inquest records need to be retrieved and revisited. Three of these matters relate to deaths outside the borders of South Africa.

Missing Persons Task Team

The Missing Persons Task Team (MPTT) continued its work in tracing the fate and whereabouts of those who disappeared in political circumstances between 1960 and 1994. A total of 179 individuals have been recovered to date. The remains of 167 persons have been recovered, identified and returned to the affected families. A further seven were identified and are ready to be returned to their families. Five exhumed individuals are awaiting identification confirmation.

Significant progress was made on two cases associated with the earliest instances of abductions and killings by the Security Police, the 1970 Caprivi Strip Ambush and the Aventura Campaign. In August 1970, three Umkhonto we Sizwe (MK) members were killed in an

ambush by the Security Police in the Caprivi Strip in Namibia, then under South African control. The MPTT established that the fourth MK member was not killed in the ambush but was captured by the Security Police and never seen again. His identity has now been established. His disappearance marks the very first covert extra-judicial killing of a MK member by the Security Police. The MPTT has begun briefing the affected families in different parts of the country.

The second instance relates to two MK members who disappeared at the hands of the Security Police during the ANC's 1972 Aventura Boat campaign. After years of investigation, the MPTT established the identity of the two missing persons, namely James Mvemve (MK Duncan Khoza) and Velaphi Msomi (MK Mtawara), both from KwaZulu Natal (KZN). One was killed in an ambush while the second was taken to police headquarters and subsequently killed by a member of the Potchefstroom Security Police. Efforts to trace any remains are ongoing.

Excavations were conducted at Zamdela Cemetery in Sasolburg in the Free State to ascertain the grave of missing Robben Island prisoner James Boo. The grave was verified and is now ready for a public exhumation together with the family, the Eastern Cape Department of Sports, Recreation, Arts and Culture (DSRAC) and Robben Island Museum. Another grave was identified and excavated in Zamdela cemetery, and DNA samples were taken in connection with another prominent missing persons case. Results are pending.

Excavation of the grave containing the remains of a TRC victim in Durban was undertaken in partnership with SAPS in order to conduct DNA sampling. Two sets of DNA samples, as well as family reference samples, were taken.

The verification of the remains of the six individuals killed during the December 1985 Vlakplaas raid into Maseru is progressing. The DNA sampling of families and remains believed to be those of Jacqui Quin and another unidentified male was undertaken.

After a long hiatus due to COVID-19 and the unavailability of the DNA laboratories, the MPTT was able to send a large number of DNA samples abroad for tests.

Notable cases

Marsland: The fugitive, Marsland, was arrested in Johannesburg pursuant to the request for his provisional arrest and extradition by the Government of the Republic of Botswana. He was accused of obtaining funds by false pretences and money laundering. His extradition was based on the Southern African Development Community (SADC) Protocol on Extradition complemented by the bilateral treaty on extradition between both States as well as the Extradition Act, 67 of 1962. Marsland challenged his extradition to Botswana in the High Court and subsequently in the Supreme Court of Appeal. His appeal was premised on article 6 of the SADC Protocol arguing that the request for his extradition was not directly received by the Minister, therefore his arrest and the magistrate's decision that he was extraditable to Botswana was unlawful. His appeal failed as it was held that the Act and the SADC Protocol worked in harmony and the requirement in both instruments is that an extradition request should be transmitted through the diplomatic channel. Therefore, the Minister does not have to personally receive the request as it suffices that the DoJ&CD received it through the foreign Ministry.

Following the 16 March 2021 approval of a national policy on the Repatriation and Restitution of Human Remains and Heritage Objects (RRHRHO) by Cabinet, the MPTT was able to initiate its Missing Exiles Project. Work on MPTT missing persons cases in exile had previously suffered due to a lack of national policy as this project requires inter-departmental co-operation. In addition, the Head of the MPTT was appointed as a member of the Advisory Committee on RRHRHO. In this regard, the MPTT held meetings with the International Committee of the Red Cross (ICRC) in order to develop mutual assistance, as well as access historical archival ICRC material regarding those who disappeared in exile.

The MPTT conducted extensive investigations in the Hammarsdale-Scottsburgh area in KZN in connection with two missing persons cases referred to the MPTT by the DoJ&CD office of the Minister. The limited availability of records has hampered progress.

The MPTT provides ongoing research support on TRC matters within the NPA and to DPCI officers working on TRC cases. The MPTT continued to work closely with the TRC Unit in the DoJ&CD as well as other departments and structures, in particular the Department of Military Veterans (DMV), DSRAC and Freedom Park, as well as provincial and local structures. The City of Ekurhuleni, in particular, continues to play a major supportive role through secondments and logistical support.

International cooperation in criminal matters: MLA and extraditions

MLA and extraditions form the bedrock of effective prosecution efforts to bring international and transnational criminal suspects to trial. While some important investigations remain incomplete due to delays and/or lack of cooperation, the majority of cases have been facilitated by effective cooperation.

International cooperation in criminal matters is a specialised field and the legislative framework does not address all the necessary aspects. As a result, extradition and other forms of international cooperation have continued to be the subject of litigation over the past decade. It is hoped that enacting legislation will greatly enhance efficiency in the investigation and prosecution of cases as the jurisprudence has and continues to be developed in this area of the law.

Beyond legislative amendments, effective international cooperation depends on solid informal and formal channels of cooperation with relevant foreign counterparts, which requires constant engagement and support and direct involvement of other departments, including DOJ&CD and DIRCO. Indeed, effective extradition practice, for example, includes a political component where ongoing support from the Executive is key.

04



**ASSET
FORFEITURE
UNIT**

ASSET FORFEITURE UNIT



Adv. Ouma Rabaji-Rasethaba
Deputy National Director of
Public Prosecutions: AFU

The AFU worked hard to deliver on its complex mandate in 2021. This work paid off and AFU saw a notable improvement in its overall performance in the year under review. It also improved its strategic positioning both locally and internationally through extensive engagement with key stakeholders and partners.

Under the leadership of the DNDPP, Adv, O Rabaji-Rasethaba, supported by the SDPP Adv. P Biseswar, the AFU accomplished the following key strategic outcomes:

1. Involvement in the Top 10 AFU/DPCI Priority Case Project and establishment of the NPA Task Force to coordinate responses to the Zondo Commission and ensure that seminal cases are prioritised for prosecution and asset recovery.
2. Finalisation of a comprehensive Asset Recovery Strategy, which also introduces a new approach to recovering monies moved to foreign jurisdictions.
3. The preservation application against the Optimum Colliery and Coal Terminal.
4. Lead the development of a new approach to recoveries termed "non-prosecution decisions" is being developed, which is aimed at curtailing lengthy and protracted litigation and ensuring quicker recoveries.
5. Spearheaded a process to ensure the fast tracking of cases involving damage to infrastructure and the theft of fuel has been implemented.
6. Vacant posts in the AFU have been filled despite delays relating to the job evaluation of the AFU investigators.
7. The co-location of 18 DPCI investigators has improved capacity, coordination and efficiency.
8. The strategy and structure of the AFU were reviewed to transform the unit into one fit for purpose.

9. AFU forms part of the Unexplained Wealth Order Case Working Group, a joint initiative aimed at better utilising each stakeholder's mandate and available legislation to target unexplained wealth. Cases are identified and the relevant law tested with the intention of developing jurisprudence in this area. Cases are being evaluated for asset forfeiture potential.
10. The amendment of provisions in POCA pertaining to asset forfeiture.
11. Leading on the AFU's submission in the FATF Mutual Assessment.
12. AFU is also involved in several international engagements, including participation in the OECD audits and the AFU membership of the Asset Recovery Inter-Agency Network of Southern Africa.

Performance of the AFU

Freezing orders: The AFU obtains freezing orders in terms of both Chapter 5 (restraints) and Chapter 6 (preservations) of the POCA. The purpose of these orders is to secure the assets and to prevent dissipation. The AFU measures both the number and value of the freezing orders.

The AFU obtained 320 freezing orders to the value of R512 million. This amount is not the total value of all freezing orders, as orders obtained in serious corruption matters are reported on separately. The total amount of all freezing orders obtained during the financial year, including corruption freezing orders, is R5.835 billion.

ASSET FORFEITURE UNIT continued

Confiscation and forfeiture orders: Confiscation orders are obtained in terms of Chapter 5 of POCA on conviction of the accused, targeting the benefits of those crimes. Forfeiture orders are obtained in terms of Chapter 6 of POCA following a preservation having been obtained. Forfeitures target the proceeds and instrumentalities of crime.

The AFU obtained 370 completed confiscation and forfeiture orders to the value of R406 million. The value cannot be realised until there is a conviction, which, in complex prosecutions, can take a considerable amount of time.

Freezing orders in corruption and related matters: The AFU obtained freezing orders to the value of R5.5 billion in corruption and related matters.

Recoveries: Once a confiscation or forfeiture order is obtained, the AFU can proceed with the recovery of the assets. The recoveries are counted once the money has been deposited into the Criminal Assets Recovery Account (CARA) or the account of the victim. The value of assets, other than cash, is also included in the indicator once such assets are returned to the

victim. The AFU obtained recoveries to the value of R281 million.

Recoveries in corruption and related matters: The AFU obtained recoveries in the amount of R117 million in corruption matters. Serious corruption cases take a long time to finalise. In many cases, huge amounts are under restraint and will remain so until the accused are convicted. Accused in high-value corruption cases have the means to vigorously oppose all actions, which leads to delays in the finalisation of cases. Once these cases are finalised, vast amounts stand to be recovered.

Success rate: The AFU has a success rate of 99%. The success rate is determined as a function of all forfeitures and confiscations finally won versus all confiscations and forfeitures finalised (including finally lost). Finally lost cases are only recognised when the appeal process has been exhausted or a decision is taken not to appeal.

The following figures show the AFU's progress in the values of freezing orders and recoveries over the past three financial years.

Figure 5: Three-year comparison on the value of freezing orders

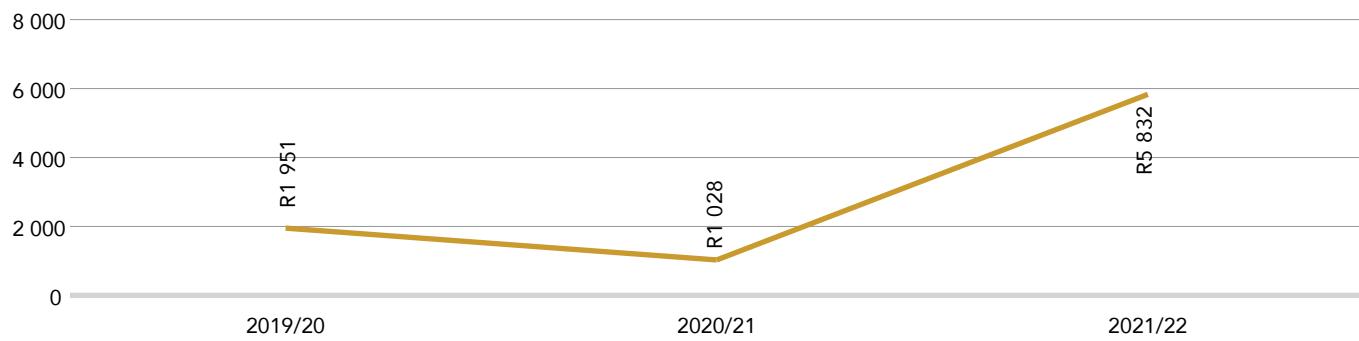
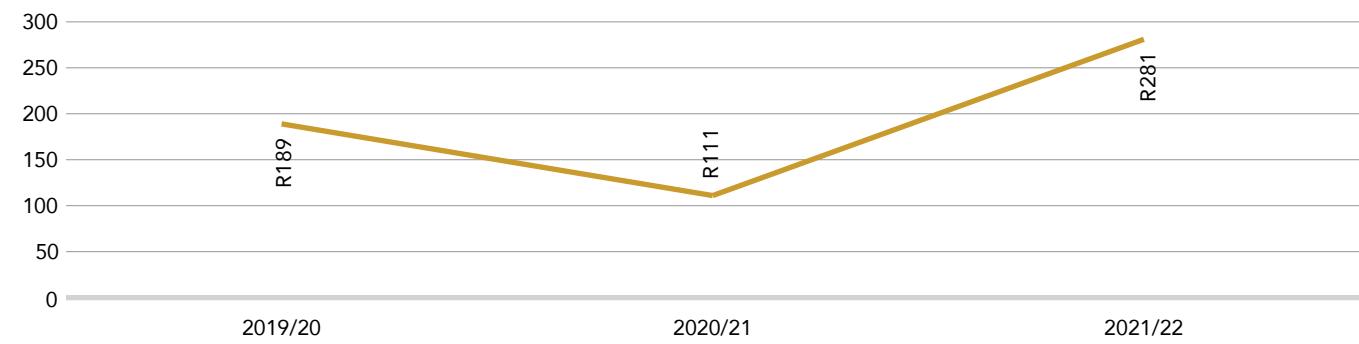


Figure 6: Three-year comparison on the value of recoveries



The impact of COVID-19 was far less pronounced in this financial year. Even during the lockdowns that were still in force in the first quarter of the financial year, the AFU was able to proceed with the preparation of matters. Staff rotation schedules were implemented and enforced. This assisted in ensuring that the unit remained productive whilst managing its risks.

Notable cases

Tegeta Exploration/Optimum Colliery: Two preservation orders were obtained in March 2022 in a large state capture matter dealing with Tegeta Exploration and Resources, a company linked to the Gupta family, which bought the Optimum Coal Mine and Optimum Coal Terminal using proceeds of crime. The first was for the coal mine and the coal terminal. The value of the order does not include the valuation of the mine, which still needs to be completed, and already amounts to a preservation order worth R2.4 billion. The second was for claims against the mine for undelivered coal, lodged by Templar Capital as part of an attempt by the Gupta family to buy the mine for a nominal amount. The value of the claims and the ultimate preservation order amount to R1.385 billion. It is expected that the total value of the orders will exceed R8 billion once the mine has been valued. Excluding the outstanding valuation of the coal mine, this is the largest cumulative preservation order in the history of the AFU and a major achievement in the fight against state capture.

Nulane/Sharma: Nulane Investments 204 (Pty) Ltd was appointed as a service provider to the Free State Department of Agriculture (the Department) in October 2011. The appointment was based on fraudulent misrepresentations made by Nulane and its representatives, Iqbal Sharma and Dinesh Patel, acting in concert with officials in the Department. The fiscus was allegedly defrauded of almost R25 million. The funds were transferred back and forth between Nulane and several companies, two of which were controlled by Atul Gupta, without an apparent legitimate business purpose and in a convoluted series of transactions in order to launder the funds for the benefit of the shareholders of Islandsite Investments 180 (Pty) Ltd, a Gupta family-owned company. A restraint in the amount of R47.2 million was obtained. The criminal matter is ongoing.

ML Mohapi, Superior Quality Trading, SS Dhlamini: A businesswoman acted in concert with officials in the Free State Department of Agriculture (the Department) and fraudulently and corruptly obtained a tender for her company, Superior Trading. She was awarded a contract as an implementing agent for the Department. Fraudulent black economic empowerment (BEE) and other documents were submitted as a basis for the appointment. The tender was for an amount of R200 million. The company was paid approximately R249 million. Not all services for which payments were received were rendered. The AFU obtained a restraint in the amount of R45 million. The criminal matter is proceeding.

The AFU was also successful in several other noteworthy matters, some of which are listed below.

T Masinire: In May 2021, a Zimbabwean citizen was arrested at OR Tambo International Airport in possession of 23 pieces of unwrought gold in contravention of, *inter alia*, provisions of the Customs and Excise Act, 91 of 1964, the Exchange Control Regulations and the Precious Metals Act, 37 of 2005. The suspect had hidden the gold inside a Johnny Walker Red Label whisky box and failed to declare it to customs. The gold was valued at R9.3 million and is currently subject to a preservation order, pending forfeiture.

ASSET FORFEITURE UNIT continued

M Egenamba: This matter concerns email fraud perpetrated on victims in the United States of America (USA) between August 2020 and February 2021. The investigation has identified three victims, who have been defrauded into paying large sums of money (US\$1 385 351.78) into the bank accounts of the perpetrators in the USA. The bulk of the money was subsequently transferred into two First National Bank (FNB) bank accounts held in South Africa by a Nigerian citizen and an entity controlled by him. Property to the value of R7.7 million, consisting of cash held in various bank accounts and on trust with two conveyancing attorneys, is under preservation pending forfeiture.

C Vuma: This matter involves theft of aircraft parts by former employees of South African Airways (SAA) to the value of R5.1 million. A provisional restraint order was obtained against one of the accused persons on 5 July 2021 and the rule *nisi* was confirmed on 31 August 2021. The criminal trial commenced at the Kempton Park Regional Court on 2 June 2021. The trial is still pending.

Up Money (Pty) Ltd: The AFU obtained two preservation orders in respect of a pyramid scheme referred to the AFU by the FIC, operated by Up Money (Pty) Ltd. The victims were deceived through social media to join the scheme, under which no product was sold but dividends and/or income was derived or generated through recruiting more members. The preservation orders pertained to funds in the amount of R15 556 358, two luxury vehicles, a sum of R205 586 and a grey Audi TT 2.0 Coupe. To date R15.8 million has been paid back to victims.

Moyo: This matter involved the theft of monies from the complainant, a Zimbabwean national who won the Ithuba Lottery. A preservation order was obtained on 20 May 2020, preserving several bank accounts to which the accused had channelled money. On 20 December 2021, judgement was granted forfeiting the cash amounts to the victim in the matter. The accused in this matter absconded from the criminal trial and efforts to secure his arrest were unsuccessful. The complainant in the matter was paid the amount that was forfeited the day after the judgment was received.

Eskom Kusile Power Station (Hlakudi): In this state capture matter, evidence reveals that the contract for the provision of air-cooled condensers at Kusile Power Station was manipulated in a number of ways, by inter alia the corrupt, fraudulent and unnecessary de-scoping of the contract between Eskom and Alstom, contrary to the interests of Eskom. The manipulation of Eskom's procurement system by officials in senior management positions to ensure that a service provider undertakes work which had been descoped from the contract between Eskom and Alstom. The payment and acceptance of gratifications by Eskom employees to achieve the descoping contract held by Alstom and DBT constituted a conflict of interest with regard to the appointment of contractors.

The AFU/ID obtained a restraint in the amount of R1.488 billion on 20 April 2021. The criminal trial is ongoing.

05



**INVESTIGATING
DIRECTORATE**

INVESTIGATING DIRECTORATE



Adv. Andrea Johnson
Investigating Director
Investigating Directorate

The ID leads the NPA's response to complex and high-level corruption matters, including cases emanating from the Zondo report. The ID remains under pressure to deliver on its mandate as public impatience with the ongoing lack of accountability for corruption grows. Yet, despite challenges in 2021, including a transition in leadership, the ID remains on track to loosen the grip that state capture has on South Africa.

Some of the highlights for the ID during this financial year include the obtaining of freezing orders relating to the Eskom (R1.4 billion), Optimum Coal Mine (R2 billion), Transnet and Regiments (R1 billion) investigations. The realisation of the value of these orders is dependent on successful prosecutions, which will be carefully monitored.

The transition to new leadership was swift and seamless. Under the leadership of Adv. A Johnson the ID is looking forward to taking its work to a higher level in the 2022/23 financial year and making a significant impact in the fight against state capture and corruption.

Overview of investigations and prosecutions

The ID is investigating nine major categories of complex corruption in government and SOEs, consisting of 82 sub-investigations (see Table 1), also referred to as investigation legs (each of which is an investigation in its own right). It is only when these sub-investigations are pulled together that the full extent of the corruption becomes apparent. To date, 65 accused are enrolled for prosecution in 20 cases.

The investigations were divided into three broad descriptive sectors in an endeavour to narrow the focus for each category of investigation:

- Investigations into corruption in state-owned enterprises (SOEs)
- High-Level Public and Private (HLPP) sector corruption perpetrated by individuals, families and groups

- Corruption in the Security Sector (SEC-SEC) of the country.

Table 8: Distribution of complex corruption cases

Sector	Over-arching investigation	Sub-investigation/investigation leg
SOE	3	17
HLPP	3	12
SEC-SEC	3	53
Total	9	82

The extent of corruption becomes even more clear when examining the amounts involved in the contracts, which form the basis of the corrupt activities, and the total estimated value of alleged bribes paid. Investigations cover contracts to the value of R2.1 trillion (tr). Of this amount, contracts relating to the Public Investment Corporation (PIC) constitute the largest figure, in excess of R2tr, which is mainly investigated by the DPCI. The value of alleged bribes paid are in excess of R18 billion, with most bribes paid being in the SOE sector.

Table 2 below provides the details of the distribution of contract values and bribes across the investigation sectors. It should be noted that these are conservative figures as the exact amounts involved are still being established. It is also anticipated that the outstanding Zondo Commission report will shed further light on these figures.

Table 9: Distribution of contract values and alleged bribes per investigation sector

Sector	Overall contract/ payment value	Overall estimated value of alleged bribes
SOE	R69 500 000 000.00	R17 391 000 000.00
HLPP	R2 083 855 400 000.00	R455 780 000.00
Sec-Sec	R3 682 786 598.00	R433 361 402.99
Total	R2 157 038 186 598.00	R18 280 141 402.99

Below is a high-level overview of the investigations per sector.

State-owned enterprises

The authorised investigations under the SOE sector focused on serious, high profile or complex corruption regarding the following:

1. Tenders and/or contracts awarded by Eskom, including coal provision and building projects, for the period 2010 to 2019.
2. The functioning of the Eskom Board and its committees for the period 2010 to 2019.
3. Tenders and/or contracts by Transnet to various service providers, including the acquisition of locomotives and rail maintenance, for the period 2010–2019.
4. The functioning of the Transnet Board and its committees for the period 2010 to 2019.
5. The alleged manipulation of the SAA Working Capital Tender awarded to the McKinsey Regiments Consortium.
6. The alleged unlawful activities in respect of Interest Rate Swap Agreements entered into between the Airports Company South Africa (ACSA) and Nedbank Capital, and ACSA and the Standard Bank of South Africa.

One investigation leg under SAA has been authorised, while the other investigations are conducted by DPCI. The Transnet investigation consists of 10 sub-investigations that cumulatively involve a contract value of R43.3 billion, whilst the value of bribes allegedly paid is estimated at R9.4 billion. The Eskom investigation consists of six sub-investigations where the cumulative contract value is R26.2 billion and the value of the alleged bribes paid is in excess of R7.9 billion.

High-level public and private sector

The authorised investigations under the HLPP sector focused on the serious, high profile or complex fraud and money laundering regarding:

1. Tenders and/or contracts as part of a public-private partnership between the Free State Provincial Government and the Estina Company (Pty) (Ltd) for the period 2008 to 2018.
2. Tenders and/or contracts awarded by the South African government to the Bosasa Group and its affiliated entities for the period 2000 to 2019.
3. The functioning of the PIC for the period 2009 to 2018.
4. Determination of proceeds of crime based on losses incurred through the functioning of the PIC for the period 2009 to 2018.

The Bosasa investigation consists of eight sub-investigations, whilst the Estina investigation consist of three components. A preparatory investigation was conducted on the PIC in terms of section 28(13) of the NPA Act, following which an investigation in terms of section 28(1) of the NPA Act was authorised.

Security sector

The investigations into the security sector have three focus areas: SAPS, the NPA, and the SSA.

Most of the investigations into SAPS focus on corruption by senior officials and can be divided into four categories of investigation:

1. Fraud and corruption pertaining to the awarding of tenders and/or contracts with the State Information Technology Agency (SITA) and third-party service provider(s) for the period 2000 to 2018.
2. The awarding of tenders and/or contracts through SAPS National and Provincial Supply Chain Management Offices to third-party service providers for the period 2008 to 2018.
3. The awarding of tenders and/or contracts to third-party service providers through the secret services account within SAPS CI for the period 2000 to 2019.
4. Kidnapping, torture, murder, fraud, corruption, perjury and defeating the ends of justice by units and members within SAPS and the DPCI for the period 2005 to 2019.

INVESTIGATING DIRECTORATE continued

The SAPS investigation consists of 38 sub-investigations to the value of R467.8 million and alleged bribes paid are in excess of R17.2 million.

The investigation relating to the NPA focuses on fraud, corruption, perjury and defeating the ends of justice by NPA personnel in the execution of their prosecutorial mandate for the period 2000 to 2019.

The SSA investigation consists of 14 sub-investigations where the cumulative contract value is R3.2 billion and alleged bribes paid are in excess of R628.2 million.

Challenges facing the ID

The following operational investigation and prosecution challenges were identified:

1. Resource constraints in relation to investigators, prosecutors and specialised resources to effectively obtain and analyse the vast volumes of data inherent in most of these matters. This constraint has its roots in the legislative challenges under which the ID functions, as well as the operating model adopted in the context of existing legislative limitations. This matter will be dealt with more fully below. This constraint is significantly compounded by the absence of a dedicated digital forensic capacity that would reduce the amount of time to work through large volumes of data, and the time taken to triangulate different types of data which, in turn, would enable an intelligent picture of the extent of the crime committed.
2. The potential intimidation of, and interference with, witnesses, particularly in relation to the investigation of crime and corruption involving senior members of SAPS.
3. Delays in the receipt of bank statements from financial institutions, mainly in relation to Transnet and Eskom.
4. The historical nature of several cases, which date back many years, makes it difficult to trace witnesses.
5. The numerous postponements and lack of dedicated court time, as well as the employment of tactics to delay trials.
6. Attempts to frustrate investigations through the usage of classification to prevent access to documentary evidence.
7. The lack of international cooperation by some countries with which the Gupta family are associated, as well as lengthy Interpol processes.
8. The absence of capacity to analyse, process and present digital evidence in a court of law, given the data-intensive nature of complex corruption cases. The digital forensic laboratory of the Zondo Commission will be handed over to the DoJ&CD

and the NPA will have access to the relevant information. The NPA will in future build its own digital forensic capability.

Strategic responses to the challenges facing the ID

The ID has taken measures to address the challenges it faces.

The most fundamental challenge to the effective functioning of the ID is the legislative and regulatory framework that prevents the ID from exercising the police powers required for effective investigations. This creates a dependency on SAPS to assist the ID through secondments. Seconded staff are expected to assist in authorised ID investigations while continuing to investigate the cases they were assigned to as members of the SAPS. The secondment of staff is a complex arrangement and not the best solution for the success of the ID.

As such, the ID is forced to function on an unsustainable operating model that is based on a patchwork of interdepartmental secondments, internal NPA reassignment of prosecutors, short-term contracted administrative staff and external service providers. Short-term contracts have resulted in a high staff turnover as contracted employees leave the ID as soon as they secure jobs with tenure. This has resulted in the disruption of or delays in investigations and prosecution.

The NPA has proposed legislative amendments to remedy this situation, but this can be a lengthy process and the NPA is engaging the Minister to find an interim solution. The Minister has confirmed the permanency of the ID and the NPA is in the process of finalising the permanent structure for the ID.

Despite the staffing challenges outlined above, the ID has developed significantly since the signing of its proclamation on 20 March 2019 and the appointment of its first Investigating Director in May 2019. While a September 2020 Interim Review Report by Adv. Pikoli and Mr Stone describes the staffing of the ID as concerning, the picture had changed significantly by the end of February 2022. The ID has grown by 88% to a total seconded, reassigned and contracted personnel capacity of 108, of which 44 are investigating personnel. This does not, however, negate the vulnerabilities brought about by the absence of security of tenure. It is estimated that in the 2022/23 financial year the ID will need to recruit at least 90 additional staff to cope with the demands occasioned by the release of the Zondo Commission reports. The ID has obtained office accommodation, which has allowed it to begin the process of building organisational cohesion.

06



**LEGAL AFFAIRS
DIVISION**

LEGAL AFFAIRS DIVISION



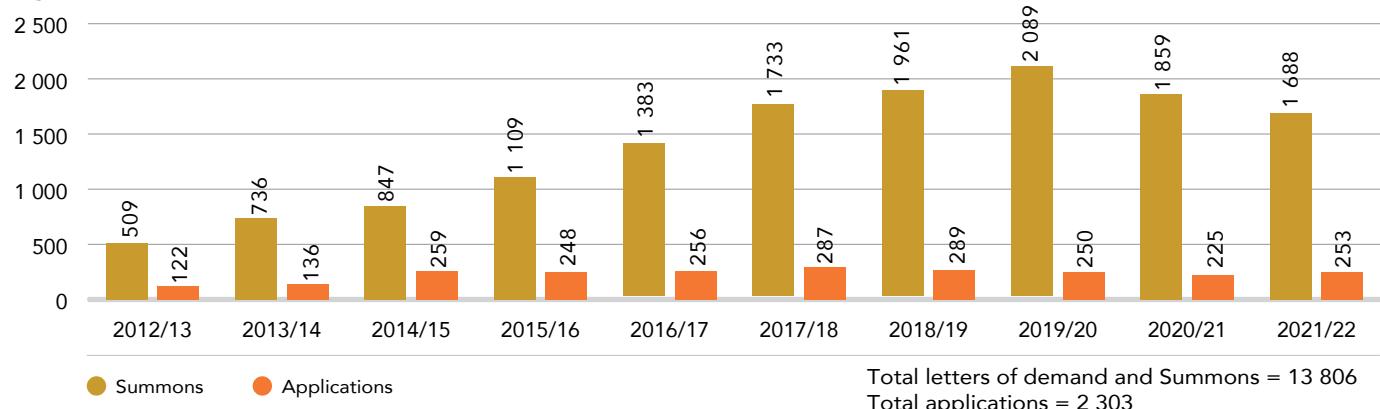
Adv. Nomvula Mokhatla
Deputy National Director of
Public Prosecutions
Legal Affairs Division (LAD)

The Legal Affairs Division (LAD), under the leadership of the DNDPP, Adv. N Mokhatla, provides civil litigation support to prosecutors in dealing with malicious prosecutions claims, delictual claims and matters incidental to prosecution that are civil and semi-civil in nature.

There has been a marked increase in workload over the years, with an all-time high of 2 081 letters of demand and claims received in 2019/2020 (see Figure 1). This increase is because members of the public are more aware of their rights and more lawyers are suing the State whilst acting on a contingency fee basis for their clients.

COVID-19 affected the case load in the past year, with a 11% reduction in new letters of demand and summonses in 2020/21, and a further 10% reduction in 2021/22.

Figure 7: LAD case load from 2013–2021

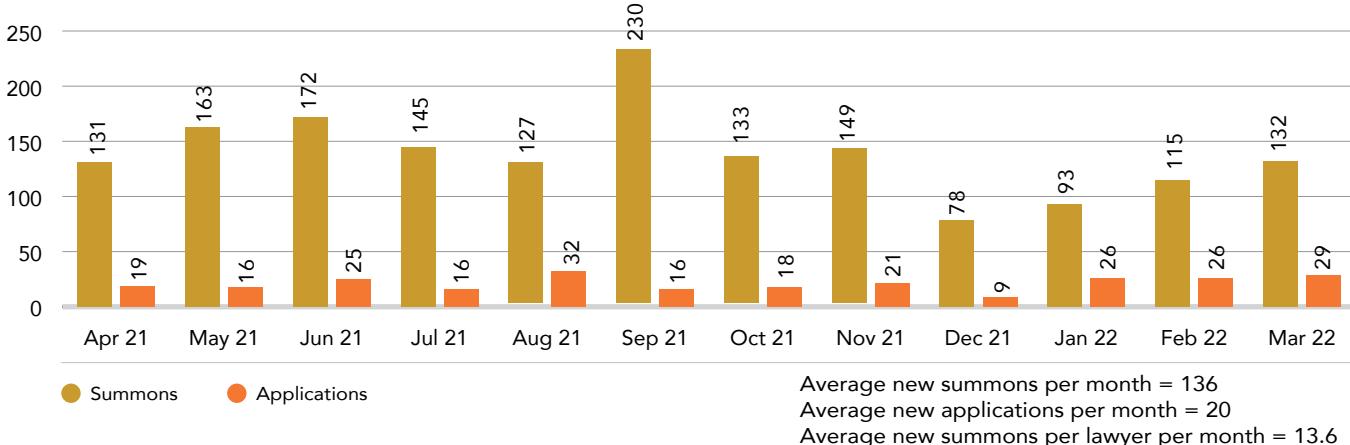


Notable cases

Mathenjwa and SR Mncwabe: Two weeks prior to his resignation in February 2018, then President Zuma took steps to appoint five DPPs and SDPPs in various offices. The minutes, purporting to appoint the individuals, were withdrawn by President Ramaphosa on 11 March 2018. The appointments were never formally communicated to the public or privately to the applicants by former President Zuma or anyone authorised by him. Advocates Mathenjwa and Mncwabe brought review applications of this decision, maintaining that Adv. Abrahams had informed them of the decision. The applications were dismissed in the Pretoria High Court. Leave to appeal was also dismissed and the applicants unsuccessfully petitioned the Supreme Court of Appeals (SCA). President Ramaphosa filled these vacant positions on 16 March 2022 and the two applicants filed urgent applications to restrain and interdict the President. These applications were also dismissed. The applicants have now approached the Constitutional Court.

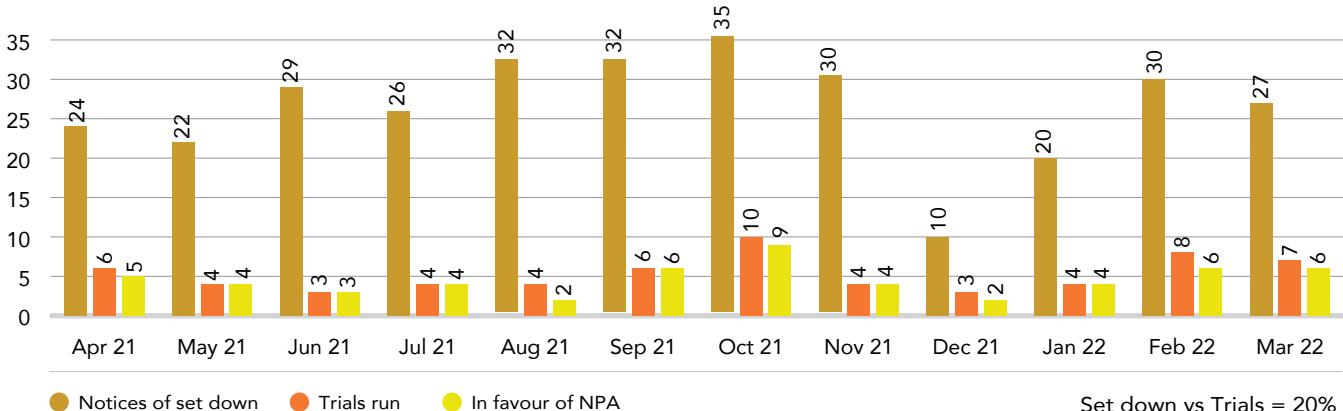
On average, 139 new claims or anticipated claims and 20 applications were received per month. This excludes the work generated from older files. The regional capacity to deal with the substantially higher workload will be increased by the addition of 35 posts in the coming year to deal with the civil claims in conjunction with the SAPS and the State Attorney. This will enable the NPA to handle claims instituted against the NPA speedily and efficiently.

Figure 8: LAD workload 2021/2022



Relatively few of the claims instituted against the NPA proceed to trial. The cases that do go to trial are rarely successful. The NPA experienced challenges with the State Attorneys failing to file pleadings, which resulted in orders against the NPA. The NPA has entered into an MOU with the Solicitor-General, who we have full confidence is committed to addressing these and other challenges.

Figure 9: LAD trials 2021/22



Joao Antonio Jan Rodrigues: Rodrigues was charged with premeditated murder in 2018, after an inquest into the death of Ahmed Timol, an anti-apartheid activist who died in 1971, was reopened. He brought an application for a permanent stay of prosecution, which was unsuccessful. He was granted leave to appeal the decision to the SCA, which dismissed the application on 21 June 2021. The applicant approached the Constitutional Court for relief. Rodrigues contended that the political interference in this matter infringed his right to a fair trial and his right to have his trial begin and be concluded within a reasonable period. He also contended that his right to adduce and challenge evidence effectively, as envisaged by the Constitution of the Republic of South Africa, 1996 section 35(3)(i), had been infringed. Rodrigues passed away before the matter was finalised. The Foundation for Equality before the Law (the Foundation) sought an order in terms of Rule 7(1) and (2) of the Rules of the Constitutional Court to proceed with the Application. The Constitutional Court dismissed their application, finding that the Foundation is not an authorised representative or competent person as envisaged in rule 7(1) and (2). The court dismissed the application for leave to appeal, which has become moot because of Mr Rodrigues' death.

07



**OFFICE FOR
WITNESS
PROTECTION**

OFFICE FOR WITNESS PROTECTION

The Office for Witness Protection (OWP) provides temporary protection, protection, support and related services to vulnerable and intimidated witnesses and their related persons in judicial proceedings. Participation in witness protection is voluntary and no person can be forced or influenced to remain in the programme.

During 2021/22, the OWP managed
367 witnesses and 289 related persons

As of 31 March 2022,
183 witnesses and 170 related persons
were in the programme

Table 10: Number of witnesses in the programme per crime category

POCA	6
Corruption	8
Trio crimes	22
Serious violent crimes	146
Environmental crimes	2
Judicial proceedings	2
Independent Police Investigative Directorate (IPID) matters	2

* Please note that there is more than 1 witness per case in the above categories.

Close collaboration exists between the OWP and DPPs. Reports are provided to ensure that matters where witnesses are under protection are dealt with as speedily as possible due to the high cost involved. However, cases where the OWP is involved should be prioritised in order to reduce the time witnesses spend under protection. This will result in fewer sign-offs and walk-offs and will enable witnesses and related persons resume a normal life sooner.

OWP performance

The OWP maintains a high-level, 24/7, internationally-acclaimed operating model.

Effectiveness of the programme:

- No witnesses and related persons were threatened, harmed or killed whilst on the witness protection programme.
- 1.4% of witnesses and related persons walked off the witness protection programme (the main reasons for sign-offs and walk-offs are the isolation, being away from family and friends, and the amount paid for allowances).
- 100% of witnesses attended judicial proceedings.

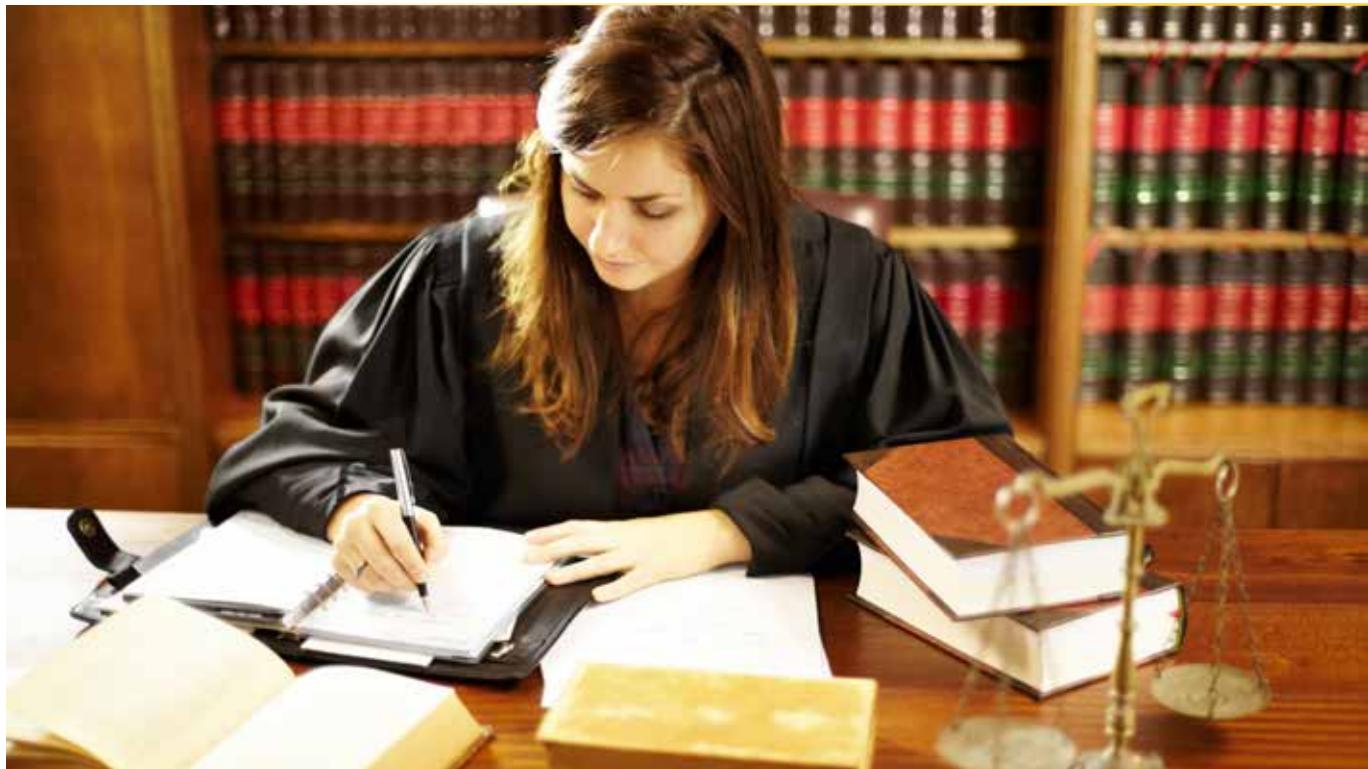
Victim-centric services enhanced:

- 100% of witnesses and related persons were successfully discharged and resettled.
- 100% of complaints lodged were resolved.

Service delivery improvement plan:

- The OWP made presentations in all regions during SCCU and CARA training sessions as well as at the orientation training sessions to increase internal awareness about the OWP (in collaboration with Communication Unit).
- The OWP was part of a radio talk show to inform the public and answer questions about the witness protection programme to promote public awareness.
- The OWP holds ongoing meetings with stakeholders.

OFFICE FOR WITNESS PROTECTION continued



New Standard Operating Procedures were signed off and implemented. The Regulations and the Witness Protection Act, 112 of 1998 were reviewed and the OWP is in the process of drafting an amendment proposal to the Director-General of Justice.

The OWP is assisting in building capacity to do witness protection outside the RSA, including Namibia, Kenya and the ICC.

Challenges:

- The amount paid as an allowance to witnesses, who do not get a salary replacement, remains a challenge. The rising prices of essential items resulted in witnesses and related person trying to source extra income. An annual increase in allowances will be covered in the new regulations.
- COVID-19 increased the cycle time of witnesses on the programme due to the postponement of cases in court and the availability of accommodation for resettlement.

- Witnesses remain on the programme for prolonged periods due to delays in cases.
- The mixing of overt and covert functions due to the location of the OWP in the NPA.
- The use of the National Treasury Central Supplier Database for procurement poses a security risk and inflates prices.
- Outdated technology and equipment. The OWP submitted requests to procure new communication devices and essential protective equipment for officials and ammunition, but the request was not finalised.

08



**STRATEGY,
OPERATIONS AND
COMPLIANCE**

STRATEGY, OPERATIONS AND COMPLIANCE



Adv. Anton du Plessis
Deputy National Director of Public
Prosecutions: Strategy, Operations
and Compliance (SOC)

Strategy, Operations and Compliance (SOC) is responsible for ensuring that the NPA is well governed and resourced to deliver on its core mandate effectively, within budget, with proper oversight and reporting, and in line with the NPA's strategy and values. While the NDPP leads the process of developing the roadmap to guide the NPA to where it needs to go, SOC supports these efforts to ensure that the organisation gets there.

SOC works collaboratively with other Business Units to ensure the holistic implementation of the NPA's strategy and relevant compliance frameworks. The SOC continued to support the organisational development processes of NPA units, including the ID, AFU, LAD and IMU.

Under the leadership of the DNDPP, Adv A du Plessis, SOC spent the past 12 months rebuilding and repositioning SOC as a Business Unit with its service centres functioning as strategic partners within the NPA. The change of name from NPA Administration to SOC reflects that the NPA recognises that it can only deliver on its ambitious mandate with effective and professional strategic and operational support.

During this period, the SOC facilitated the provision of in-depth strategic and operational support to the Office of the NDPP, including the appointment of a fulltime governance and office management expert to assist in streamlining policies, processes and governance structures, as well as capacity development and mentoring of staff.

The SOC also effectively managed the NPA's response to COVID-19, including ensuring business continuity through remote working arrangements and support.

Strategy Management Office

The Strategy Management Office ensures that the NPA delivers on both its short and long-term strategic initiatives and remains focused on the IPAC values.

Key achievements include:

- Forged partnerships across the NPA in planning and reporting phases, which enhance the NPA's contribution to the criminal justice system and accountability to Parliament and the people of South Africa.
- Drove the approach to focus on specific high-profile cases of corruption and state capture for both prosecutions and asset recovery, including its development, monitoring and implementation reporting. This approach enables easy monitoring of identified priorities that must be achieved within a six-month horizon.
- Facilitated the roll out of the Innovation project, and the development of the July Unrest Action Plan.
- An efficiency enhancement survey was conducted to inform the SOC report with the intention of improving service delivery.

- Monitoring organisational performance and progress on the implementation of the NPA Strategy and key initiatives on a quarterly and annual basis, as well as reporting and advising the executive on required interventions, including oversight of organisational performance monitoring at ManCo level. This includes monitoring and reporting on the medium-term strategic framework (MTSF) five-year implementation plan of the National Development Plan (NDP), relating to corruption and organised crime indicators and targets.

Financial management

The overall NPA allocation of R4,353 billion during this period included an additional R89 million received during the Adjusted Estimates of National Expenditure process for the Cost-of-Living-Adjustments (Compensation of Employees).

The overall expenditure increased by 13.83% from R4.064 billion in the 2020/21 financial year to R 4.626 billion in the year under review. The final expenditure on the allocation is 99.7%, although there was a minimal overspend on the goods and services allocation that was covered by the DoJ&CD. The over expenditure was agreed beforehand to cover expenditure related to library subscriptions, witness fees, fleet services, computer services and VIP protection services. The final under expenditure of 0.28% (R13 million) was due to an unpaid invoice for the purchase of laptops not finalised by the end of the financial year. A request for roll-over for this expenditure has been submitted.

The budget reflects the focus of the NPA on its core mandate, with 79.34% of the total budget allocation spent on the NPS. SOC provides centralised support services, such as security, fleet and ITC services, for which 12.58% of the total budget allocation was spent.

In response to budget advocacy and government's commitment to strengthening the resourcing of the justice system and courts, the NPA was allocated additional funding amounting to R1.1 billion over the next MTEF period. The NPA utilised the additional funding to increase its capacity in specialised and core units of the NPA and to procure operational resources for NPA staff (such as laptops for prosecutors).

Effective engagement with the Minister and DG of Justice, and National Treasury clarified the NPA's donor funding and donation approach, and established a donor oversight committee.

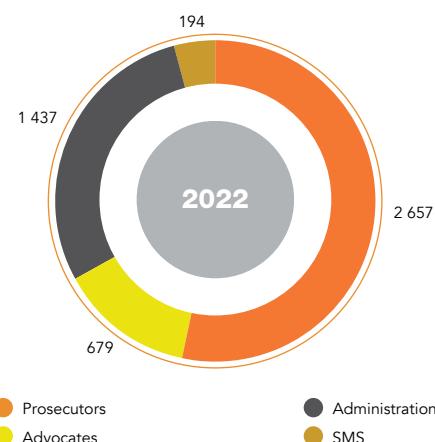
Human Resources management

HR Management and Development focuses on capacitating the NPA and enhancing staff morale and wellness.

During this period, the following was achieved:

- Additional capacity was created in SCCU and the ID to respond to the surge in corruption in the country as well as preparing for the Zondo Commission reports. This resulted in a total permanent establishment growth of 467, of which 299 are prosecutorial positions.
- Short-term interventions to increase capacity in other units resulted in 645 contract appointments, of which 533 were prosecutorial positions.
- Recruitment processes were improved to ensure shorter turnaround times.
- The gender breakdown for senior management remains a concern at 41:59% in favour of males. However, for key management/decision-making positions, the breakdown is 65:35% in favour of females.
- 3 684 employees attended various training programmes, including 2 482 prosecutors, of which 442 received training on the prosecution of complex commercial crimes.
- An organisation-wide cultural enhancement initiative, including a harassment policy, was developed.
- Constructive engagement on finding solutions to the salary dispensation of Deputy Directors of Public Prosecutions (DDPPs) and Chief Prosecutors was facilitated, and a concrete proposal submitted to the Minister.

Figure 10: Total NPA establishment as of 31 March 2022



STRATEGY, OPERATIONS AND COMPLIANCE continued

Integrity Management Unit

The Integrity Management Unit (IMU) positions the NPA to effectively manage integrity and accountability issues for all members.

Work continued towards replacing the current narrowly focussed IMU with an Office for Ethics and Accountability, which will have a more strategic oversight role and broader mandate in the Office of the NDPP.

Full compliance in the submission of financial disclosures for senior management members was secured and over 90% was maintained for non-senior management members.

Information And Systems Management

In this reporting cycle, the hybrid working model (remote working combined with on-site office work) has demanded agile ICT operations to ensure continuity of business operations. Interventions needed to enhance operational efficiencies through people-centred systems but also build a resilient network infrastructure to sustain business continuity.

Despite these challenges, the following ICT programmes were delivered:

- Revamped NPA Intranet and website
- A NPS Business Intelligence Solution that includes dashboard reporting for HR, remand detainees and performance
- Implementation of Evolve, an electronic publication platform for law reports, legislation, legal dictionary, etc.
- ICT connectivity for the new ID building prior to occupation and general connectivity for remote working
- System upgrade and enhancement for AFU case management that allows for capturing, storage and classification of any case-related documentation
- System upgrade and enhancement of Contract Management system for Supply Chain Management
- End User Equipment Refresh project, which provided new user workstations and printers to replace ageing ones and focussed on procuring laptops for prosecutors.

Security Management Services

The conclusion of the Zondo Commission and the subsequent hand over of the reports for possible prosecutions has raised threat levels for members of the NPA. In response, security management prioritised providing protection, starting with close protection for the Investigating Director. Security coordination was conducted at court for 15 high risk cases and several special events.

With the assistance of CI, threat assessments are conducted on prosecutors whose lives may be at risk and, in deserving cases, protection is provided. A total of 23 prosecutors were afforded protection at a cost of approximately R24 million, an increase of 65% from the previous year. In response to this significant increase, Security Management initiated the process of establishing inhouse capacity for the provision of protection to manage the escalating costs and improve the service.

One of the critical programmes within Security Management is to conduct Personnel Suitability Checks (PSC), whereby the criminal, credit and citizenship records of candidates for advertised positions are verified. The unit collaborated with HR to conduct 4 430 PSCs in the past financial year, up from 1 889 in the previous period. The unit prioritised the vetting of officials, specifically in the ID, with the submission of 394 vetting applications and completion of 253 investigations.

Communications

One of the initiatives identified in the NPA's Strategic Plan is to strengthen communications to play a more central strategic role in the organisation. To this end, a new, holistic communications strategy was developed and implemented, addressing proactive and responsive communications with key internal and external audiences. This included the use of innovative communication platforms, as well as new and more regular internal communication to keep staff abreast of strategic and operational developments in the organisation.

The unit engaged on a major project to update the organisation's digital communications infrastructure, including the new, improved NPA website that was launched in July 2021 and the updated, dynamic Microsoft Teams based intranet. The unit also engaged on a process of refreshing the NPA brand and rolling out new corporate identity assets.



The unit was instrumental in coordinating and scheduling key stakeholder engagements for the leadership to build public trust and credibility. This included an engagement with civil society and a roundtable with editors, which improved these stakeholders' understanding of the organisation's strategy and progress updates.

The unit significantly increased the visibility of national and regional spokespersons on traditional and social media platforms, communicating on the NPA's mandate and case outcomes, especially in relation to priority crimes identified in the NPA's strategy (GBV, serious and violent crimes and corruption/state capture). The reach of the NPA's social media platforms (Facebook, Twitter and You Tube) has grown significantly in the year under review. The content is used as a news source and encourages direct engagement with the public.

The unit has also implemented a dedicated initiative for communicating on state capture and high-level corruption cases. Among the most impactful deliverables has been the development of comprehensive op-eds per province, published under the respective DPPs' by-lines, documenting their successes in dealing with municipal fraud and corruption. A series in the Daily Maverick, aptly entitled 'The Age of Accountability', documents other anti-corruption related op-eds authored by the NPA leadership and is amplified through further interviews on broadcast media.

The unit also embarked on a social media awareness campaign on TCCs (#KnowYourThuthuzela) and provided support to many outreach activities as part of improving access to justice.

09



**ACTIVITIES
OF THE DPPs**

ACTIVITIES OF THE DPPs

Eastern Cape Division



Adv. Bary Madolo
Director of Public Prosecutions
Eastern Cape Division

Adv B Madolo, the DPP of Mthatha, took over responsibility of the entire Eastern Cape Division on 19 October 2021 as an interim measure pending the final decision on the number of DPPs required for this region.

The Division has been re-aligned under the five clusters of Gqeberha, Buffalo City, Queenstown, Butterworth and Mthatha so that offices are closer to their cluster, with the aim of making justice more accessible to the people by reducing travel and inconvenience.

The Division is planning to increase its capacity in Bisho, as the office serves eight districts. Due to the redemarcation process, Bisho will also be incorporating the East London and Queenstown areas, taking many district courts away from Grahamstown. A much smaller Grahamstown office will be required.

There is a shortage of DDPPs in the region, with only one in Port Elizabeth, one in Grahamstown and none in Bisho. Filing these vacancies is a priority for the region.

The organised crime component of the Division needs to be increased as Mthatha and Port Elizabeth are plagued by organised crime and gang related offences. In the interim, the general prosecutions stream will assist with these matters.

There has been progress in some of the TRC matters and decisions on the Cradock Four, Port Elizabeth Black Civic Organisation (PEBCO) Three and the North Crest matters should be made in the near future.

The DPP is active in his stakeholder engagements and attends the following meetings, inter alia: Provincial Efficiency Enhancement Committees (PEEC), JCPS, Lower Court Performance Monitoring Committee, Provincial Initiation Coordinating Committee (PICC), DEVCOM, Rationalisation, Provincial Joint Operational and Intelligence Structure (PROVJOINTS) and National Council for Correctional Services (NCCS).

ACTIVITIES OF THE DPPs continued

Free State Division



Adv. Navilla Somaru
Director of Public Prosecutions
Free State Division

*The division lead by
Adv. N Somaru, has
undertaken a number of
new innovations.*

These include:

- Cluster Corruption Task Teams were established in the Bloemfontein and Welkom Clusters to effectively deal with cases migrating from the SCCU. Prosecutors with the potential to deal with these matters have been included in the teams under the guidance of a Senior Public Prosecutor (SPP).
- Conviction-based asset recovery in terms of Section 18 of POCA has been successfully implemented.
- A provincial GBVF Indaba was held and was well attended by various stakeholders including SAPS, the Commission for Gender Equality, DoJ&CD, Court Preparation Officer (CPO) Provincial Co-ordinator, and the Departments of Social Development, Health and Education. The stakeholders agreed on the establishment of a Provincial Priority Team.
- The Community Prosecution Initiative has been established in Sasolburg and Bloemfontein focussing on drug abuse and rehabilitation.

A recruitment drive in the Division has reduced the vacancy rate from 30% to 5%. All CPO posts have been filled, increasing the number of victims and witnesses that are supported.

Training was undertaken on key areas relevant to prosecutors, including: racketeering elements and money-laundering with members of the DPCI Free State; money laundering and asset forfeiture, MLA and extraditions; and cryptocurrency. Stakeholder training was provided to NGO social workers regarding their roles and responsibilities in court proceedings, the Children's Act, pre-sentence reports and professional reports. Training was provided to SAPS on testifying in court proceedings.

The region has been active on various media platforms and has undertaken the following:

- A radio interview with the court preparation manager on Motheo FM to commemorate child protection week (26 May to 6 June 2021).
- An awareness campaign on GBV in the Botshabelo Magistrates' Court and the Botshabelo Mall. The aim of the campaign was to educate the community on GBV and on the role of the NPA in addressing it.
- The Ficksburg Cluster has established a relationship with the community local radio station Setsoto FM, where they are given a slot every Wednesday to educate the community about the services the NPA offers and to educate the community about crime.

Gauteng Division – Pretoria



Adv. Sibongile Mzinyathi
Director of Public Prosecutions
Gauteng Division – Pretoria

This Division; led by Adv S Mzinyathi, was particularly hard hit by COVID-19 and the resilience and dedication of staff continues to be one of its strengths. The budget increase allowed the region to fill vacancies in the Office of the DPP, which had a much-needed impact on the equity profile.

The Division continued to build on multi-agency collaborative relationships previously forged with critical partners and stakeholders, such as SAPS, various government departments, a variety of environmental agencies, NGOs and the community.

Even though the Mpumalanga Division of the High Court was promulgated two years ago, the Division continues to assist in the areas of organised crime and tax prosecutions.

In addition to the other traditional areas of focus in the six-month priority implementation plan, such as corruption and GBV, the Division also paid particular attention to long-outstanding TRC cases. Resolving the cases is overdue and the victims of these crimes deserve justice. The Division has 12 TRC cases and is in the process of appointing three contract prosecutors to focus on these cases.

One TRC case on the roll in the Pretoria High Court relates to the alleged killing of Ms Nokuthula Simelane by members of the Security Branch of the South African Police. After several delays over a number of years, the trial of the two accused is due to commence in May 2022. Even though the body of the deceased was never discovered, the NPA is confident of a successful prosecution.

In another TRC matter, three former policemen are being prosecuted in connection with the killing of Mr

Caiphus Nyoka in Daveyton. The accused appeared in the Benoni Regional Cour, and the matter will be transferred to the Pretoria High Court for trial.

The Division is dealing with an extradition application relating to pastor Sheppard Bushiri who absconded from South Africa and is now a fugitive from justice in Malawi. Several court applications are underway in Malawi to have him extradited to South Africa. There are differences between the extradition legislation of Malawi and South Africa. The Division has been engaging the DPP of Malawi to share best practices and to discuss strategies in approaching this case. The Malawi DPP was successful in persuading the Supreme Court to review the decision of the Lilongwe chief magistrate that South African witnesses should travel to Malawi to testify in the extradition proceedings. The Division is hopeful that pastor Bushiri will eventually be extradited to South Africa to stand trial.

The Steinhoff investigation is making steady progress. Several MLA requests to four European countries have been made, and some of the requested information has been received. As the Steinhoff matter also involves the commission of offences in Europe (Germany and Switzerland), requests for MLA have also been made to South Africa and there is good co-operation between the prosecutors and investigators with their European counterparts.

ACTIVITIES OF THE DPPs continued

Gauteng Local Division – Johannesburg



Adv. Andrew Chauke
Director of Public Prosecutions
Gauteng Local Division

The Division was severely impacted by the third wave of COVID-19 infections and most cases were remanded. In the lower courts, where applicable admissions of guilt are set, only bail applications and guilty pleas were attended to. During October 2021, only 50% of DoJ&CD clerks were prepared to work at any given time on a rotation roster. Lower courts operated at full capacity from October 2021 and the staff in the Office of the DPP returned to normal working hours in February 2022.

SAPS Crime Statistics for the period April to December 2021 provide a dismal picture of the prevalence of crime in the Division's jurisdiction. Emerging crime trends include an increase in human trafficking, possession and creation of child pornography, environmental crime, cybercrime, illicit mining, copper theft and damage to essential infrastructure.

The Division was also greatly affected by the violent unrest in July 2021. Courts had to be re-opened to deal with the influx of cases. The Division, under the leadership of Adv. A Chauke, established a co-ordinating structure of prosecutors, led by the Organised Crime Coordinator, to advise the DPCI in these matters. The prosecutors were on standby to assist SAPS and appear in matters where individuals were arrested.

The existing infrastructure at the Protea Magistrate's Court simply is inadequate to deal with the capacity of services rendered. The court was without water for almost three months. All courts in Soweto reported challenges with electricity due to illegal connections. Tembisa suffered continuous power outages and there are still no landlines available to prosecutors in Kliptown and Krugersdorp.

The lack of sufficient diversion options has resulted in an inability to cope with the increased demand for such services, particularly for adult offenders. Consequently, prosecutors have been required to look at other outcomes, such as informal mediation, to ensure a just outcome in instances where a criminal trial and conviction is not warranted.

The Division has fully operational Community Prosecution Forums in Alexandra and Eldorado Park.

The DNA analysis project in sexual offence matters has yielded positive results. As at the end of March 2022, 795 correspondences were received from the FSL, 84 of which related to potential serial rape matters.

An audit of the Division's participation in stakeholder forums showed that it is represented in all spheres that impact on operations and performance. The Division is active in the PEEC and submits monthly reports to the Judge President on the reasons for roll collapse and lower court utilisation. The Annual Operational Planning session resolved to advocate for the inclusion of the prosecutors in roll planning, which was supported by District and Regional members of the judiciary.



The following training was undertaken, inter alia: human trafficking; sexual offences; court preparation; cybercrime; minimum sentencing; trial preparation; legal writing, criminal asset recovery; State Appeal: question of law and sentence; corruption; organised crime; maintenance; public speaking and presentation skills; prosecuting counterfeit goods; obtaining electronic evidence; and prosecuting illegal immigrants.

During the reporting period, 72 MLA applications and 15 extradition applications were dealt with. MLA applications were made to WhatsApp and Twitter in the USA to preserve and avail messages in the cases against Nimmerhout, Mavuso and others, relating to their incitement to commit public violence during the recent unrest. The extradition application of Quagliani to the USA, after almost a decade's legal manoeuvring, clearly indicates the intricacy of these applications and the expertise required to successfully deal with an opposed extradition application.

Serious commercial crime showed a 10.6% increase compared to the previous financial year. Most cases emanated from the East Rand Cluster. The outstanding rolls and number of backlog cases in the SCCU courts in Palm Ridge are concerning. There is currently a project underway between the Specialised Tax Unit (STU) heads and SARS to identify cases older than 50 months for prioritising. The aim is to address shortcomings or issues preventing the enrolment of same.

The long-awaited prosecution of the former Gauteng Health Member of the Executive Council, Brian Hlongwa (accused 5), on corruption charges is a highlight for the division and supports the stance that no-one is above the law.

There has been an increase in the number of prosecutions in contravention of the Waste Act. Most noteworthy is the ground-breaking case of the Rand West Municipality, which has the potential of setting a precedent for the prosecution of other municipalities.

The theft of copper cable has a detrimental effect on the economy, impacting on the productivity of various sectors such as mining houses, Eskom, Telkom and Transnet, and on the community at large. All such cases are referred to the Office of the DPP for decision. Throughout the Division, sentences in excess of 5 years imprisonment have consistently been imposed.

Drug related arrests as a result of police action increased by 2.3% in Gauteng compared to the previous financial year. While currently most of the drug related matters relate to the possession of drugs or dealing in drugs, the so-called "runners or pedlars", a concerted effort must be made to address the menace of syndicated drug manufacturing and distribution. There is a high volume of cases relating to the illegal possession of drugs emanating from OR Tambo International Airport, which is used by syndicates as a trafficking route. Drug related cases involving foreign nationals continue to have a negative impact on finalisation rates in the East Rand and Johannesburg Clusters. Besides the time spent on investigations, these matters are often plagued by the absence of foreign language interpreters.

ACTIVITIES OF THE DPPs continued

KwaZulu-Natal Division



Adv. Elaine Zungu
Director of Public Prosecutions
KwaZulu-Natal Division

The Division, under the leadership of Adv. E Zungu, embarked on a drive to resuscitate the various critical structures that were significantly impacted by COVID-19.

Theses include:

- Provincial management meetings with the Acting Regional Court President to address bottlenecks
- The Acting Regional Court President has agreed to accommodate the training initiatives of the Division on the last Friday of every month.
- Due to constant changes in the leadership of SAPS, meetings are held regularly with the SAPS Provincial Detective Head to ensure continuity and consistency. The aim is that these meetings will be replicated at local levels. The Division requested the participation of the Family Violence, Child Protection and Sexual Offences (FCS) Unit, SAPS Commercial Crime and SAPS Organised Crime in the forum to enable high level discussions in the commonly identified priority areas.
- A Chief Prosecutor chairs the Chief Prosecutor forum where the performance of the lower court is reviewed and action plans to address issues are devised. A Quality Assessment Tool was developed for the prosecutorial staff to ensure quality decision making in prosecutions.
- An assessment tool is being developed for the High Court and SOC components.
- The Regional Training Forum addresses training needs.
- The DDPP Forum performs functions similar to the Lower Court Forum.

The Division set a trend in court processes by allowing witnesses to adduce evidence virtually. This ensures that elderly and vulnerable victims of crime are granted voices in court despite the pandemic.

The division is mindful of the need to actively participate in the various stakeholder fora and is represented on the following structures: PEEC; Court Optimisation Meeting; PROVJOINTS; JCPS Technical Cluster meetings; Technical Task Team Dealing with Public Protests; Transport Conflict Provincial Priority Committee meetings and others flowing from PROVJOINTS; Provincial Court Security meetings; and ProvJoCom meetings dealing with the pandemic.

In terms of media coverage, the Division has performed extremely well, issuing 113 press releases, answering 1 068 media queries, conducting 148 radio interviews and 40 TV interviews.

The region has actively engaged in a recruitment initiative and managed to reduce the vacancy rate to 10.8%.

Training was provided on, inter alia, the following: confessions, admissions and pointing out, commercial crime, human trafficking, maintenance and court preparation.

Two primary challenges faced the KwaZulu-Natal Division during this period.



The management and oversight of politically motivated killings and associated offences has been allocated to the Organised Crime Component. The impact of this decision is multi-fold:

- There is one point of contact, which benefits both investigators and prosecutors
- Cases are centralised and accountability is ensured as a DDPP oversees the cases
- The necessary investigative and prosecution skills are available
- A database of all these cases is constantly updated.

Unprecedented unrest in July 2021 posed a challenge in the Division given the sensitivity thereof. The looting and rioting laid waste to parts of KZN and Gauteng allegedly linked to the imprisonment of former President Jacob Zuma. In KZN, a total of 7123 unrest related cases were reported to SAPS, of which 4627 are under investigation. To date, 28 preservation orders have been obtained in relation to these cases. A four-tier structure has been created to effectively deal with these cases:

1. General unrest related cases: prosecutors in the respective courts.
2. Dedicated local capacity: relatively high-profile cases committed primarily in the jurisdiction of the Verulam Magistrates Court. The SPP or experienced staff are allocated to these matters.

3. Dedicated High Court capacity:a team of dedicated advocates from the Office of the DPP: Durban office guide and prosecute these cases, which are commonly referred to as the "Phoenix Massacre" cases.

4. Organised Crime Component: these cases relate to the high-level instigators of the unrest.

Officials from the Division testified before the South African Human Rights Commission regarding the unrest and there was no criticism regarding the manner in which these cases have been dealt with by the NPA. The Division continues to monitor progress in these cases.

The Court Control Prosecutor (CPP) Empangeni, CPP Durban and CPP Pietermaritzburg have created a dedicated capacity to deal with cases migrated from the SCCU. A panel guidance methodology assists with tactical issues, legal perspectives and advice. Panellists also assisted with the COVID-19 Personal Protective Equipment cases. This methodology will be rolled out further to cover other complex priority cases.

ACTIVITIES OF THE DPPs continued

Mpumalanga Division



Adv. Nkebe Kanyane
Director of Public Prosecutions
Mpumalanga Division

The Mpumalanga Division consists of three clusters – Mbombela, Middelburg and Witbank (Emalahleni) – where the bulk of prosecutions are conducted in the district and regional courts. Adv. S Ntuli acted as the DPP in the region for the duration of the reporting period. Adv. N Khanyane has recently been appointed to this position.

The Mpumalanga region has identified trio crimes, sexual offences, commercial crimes and corruption as crime focus areas for the lower courts and high courts; murder, with specific reference to femicide, has been identified a focus area for the high courts.

A recent recruitment drive has arrested the high vacancy rate in the Division. The prosecutors and support staff have been innovative and inventive in their operational management and “doing more with less” will have to become the motto in the coming year.

The Division did not have critical specialised capacity in the SCCU, STU and Organised Crime Component. Recruitment is taking place for these components. Notwithstanding, staff members are allocated work from these streams as and when there are cases reported to the office. The Division started its Specialised Commercial Crimes Court in April 2021 with new but skeleton staff members. The Regional head started the unit from scratch and has continued to build it to where it now has 6 permanent staff members.

The Division was impacted by the COVID-19 pandemic and other challenges that affected the smooth functioning of the courts. Courts were occasionally

closed for the purposes of deep cleaning. Court officials were also absent from work during isolation periods. The prisoners were not brought to court if there were reported incidents in the prison. Many cases were postponed as a result.

In many districts, courts had to close before the actual closing time because of water shortages.

The planned load shedding by Eskom did not take into account when courts were in session. In places where there were no back-up generators, courts were adjourned – on many occasions, electricity was only restored when courts time were closed.

The Division has two Community Prosecutions sites at Whiteriver and Ermelo. The site in Ermelo is dedicated to dealing with the stock theft cases and related violations. The site at Whiteriver focuses on GBV induced by drug and alcohol abuse. The Division also has six TCCs at Ermelo, Evander, Nelspruit, Themba, Tonga and Witbank.

Northern Cape Division



Mr Livingstone Sakata
Director of Public Prosecutions
Northern Cape Division

Adv. A Botha has acted in the position of the DPP for several years. Adv. Sakata has recently been appointed as the DPP. Filling long-overdue vacancies, together with resultant and well-deserved internal promotions, contributed to boosting the morale of staff in the Division. It also contributed to the more effective administration of justice in the Division. Training has been ongoing throughout the year, either in-house or through virtual sessions.

The SCCU in the Division has been strengthened by the creation of additional posts, which will enable the region to deliver on its mandate. The newly established Specialised Commercial Crimes Court for the Northern Cape, a roving court that travels across the province, is an important tool in the effective prosecution of these crimes.

Meetings are held monthly with members of DPCI, AFU and SCCU to address challenges with investigations. Timelines are set to monitor the progress of investigations with a focus of fast tracking the enrolment of cases. This resulted in the enrolment of high impact serious corruption matters.

The provincial Fusion Centre is represented by the Special Investigating Unit (SIU), South African Revenue Service (SARS), Auditor-General South Africa (AGSA), DPCI, Provincial Treasury, the Public Protector, FIC, SSA and SAPS crime intelligence. This forum was established to deal with cases involving the procurement of Personal Protective Equipment.

The PEEC committee sat virtually on a few occasions during the year, where various issues were discussed to resolve any blockages regarding the case flow in the lower courts and High Court.

The Regional Court President and his magistrates have decided that they are not going to hold meetings with other stakeholders, lest their independence

be compromised. There have been no Regional Efficiency Enhancement Committee (REEC) or case-flow meetings in the past 7 years.

The Division faced challenges with Legal Aid South Africa, which did not fill their vacant positions for the High Court component.

Witnesses of serious GBV cases are consulted at the earliest possible opportunity. Where witnesses indicate that their lives are in danger or are receiving threats from the accused, the services of the Witness Protection Office are explained to them in detail. Witnesses are also made aware of the services provided by the Domestic Violence Court, where they can apply for protection orders. CPOs are brought in immediately when witnesses show signs of anxiety and nervousness and are able to advise if the witnesses need counselling or therapeutic services provided by the TCCs.

Galeshewe Court, which is a new generation court, has a private waiting room in which all victims of rape sit while they wait to be called in. Members of the public do not have access to this private room and the chances of mixing with the accused are nil. The CPO in Galeshewe court established a good working relationship with a NGO called Lifeline. After compiling victim impact statements, the victims are referred to Lifeline for counselling and support.

ACTIVITIES OF THE DPPS continued

North-West Division



Adv. Rachel Makhari-Sekhaolelo
Director of Public Prosecutions
North West Division

The Division's vacancy rate, under the leadership of Adv. R Makhari, has been reduced from 15.6% to 14% with 49 vacancies out of a total establishment of 352.

Several initiatives were implemented to address staff morale:

- Skills transfer exercise: senior prosecutors started to train one another on management skills. The first recipient of this was a newly appointed senior prosecutor at Molopo.
- A monthly newsletter: prosecutors are informed of what is happening in the Division, from projects at the provincial and national levels to divisional performance, achievements and outreach programmes.
- Two Wellness and Health Screening sessions were conducted.
- A SPP forum has been created where best practices are shared and challenges affecting performance discussed.

The North-West Specialised Commercial Crime Court commenced on 1 April 2021. The investigation of complex commercial crime in general is an involved process requiring time. The VBS matter is currently on the District Court roll and will, in due course, be transferred to the SCCC for trial.

The DPCI has challenges relating to a lack of resources, the changing of Investigating Officers on priority cases and the COVID-19 pandemic.

A database is maintained where the Clusters report all corruption matters in their courts. By doing so, the Division can monitor and promote the finalisation of cases that qualify as corruption matters but are not in the SCCU.

Each office, where one or more Regional Court is situated, compiles a list of their top ten cases to prioritise. These cases include murder, attempted murder, robbery and GBVF cases. Progress is monitored on a monthly basis.

Limpopo Division



Adv. Ivy Thenga
Director of Public Prosecutions
Limpopo Division

Stakeholders relations are critical to the success of the region. To foster effective relations, bilateral meetings with the SAPS are held. The region is actively involved in the JCPS cluster meetings, case flow management, PEEC, REEC and Rural Safety Forums.

The managers in the division have been empowered by the DPP Adv. I Thenga, to take responsibility of their respective areas of operation and to impart knowledge by providing inhouse training and interventions that may be required from time to time.

The condition of the building that houses the DPP staff is concerning. Constant challenges such as water supply disruptions, lifts not in working condition and inadequately lit stairways are a threat to the safety and wellbeing of the employees. Unfortunately, the maintenance of the building remains the responsibility of the DoJ&CD.

The SCCU is a newly established unit with a staff compliment of three senior state advocates, two junior state advocates as well as one DDPP. In addition, there are four contract senior state advocates who are assisting in the prosecution of cases.

The Organised Crime Component in the division is still in its infancy stage. There are no prosecutors serving under the OCC but interviews have been conducted and it is expected that the recruitment process will be finalised soon.

With a view to addressing the challenges of the Regional Courts performance, where the bulk of the sexual offences are tried, the Chief Prosecutors have been tasked with identifying the underlying problems and putting interventions in place that can address these issues. Advocates are regularly assigned to conduct trials in the lower courts as a way of imparting skills and knowledge.

Despite the challenges posed by the pandemic, a number of outreach programmes to local schools were conducted on issues such as drugs, bullying and sexual offences.

ACTIVITIES OF THE DPPS continued

Western Cape Division



Adv. Nicolette Bell
Director of Public Prosecutions
Western Cape Division

The challenge in the Division has not been the adequacy of the skill levels but rather capacity. The demands on the Organised Crime Component continue to increase and necessitate a review of the capacity. The DDPP vacancies have strained the region's ability to manage all priorities adequately. Fortunately, several appointments are expected.

Control and Senior Prosecutors invested time and energy to guide and mentor a large group of new staff. Where possible, struggling prosecutors were placed with more experienced prosecutors for mentoring purposes. In the regional courts, experienced district court prosecutors rotate to gain experience in conducting regional court trials.

In the SCCU, there is an intensive training programme focusing on advanced cybercrime in areas such as cryptocurrencies and investment fraud, illicit financial flows and bulk cash smuggling. Juniors are paired with seniors in these high complex matters, especially in areas such as extraditions, MLA or racketeering, to ensure that skills are transferred.

The DPP, Adv. N Bell, represents the NPA at the PROVJOINTS and DEVCOM, where the criminal justice cluster coordinates its various activities in the Western Cape Division. The NPA is also represented on the various PROVJOINTS subcommittees that address specific priority crimes or threats. The NPA

is also represented on the PEEC and REEC chaired by the judiciary. Individual stakeholder engagements supplement the existing structured engagements.

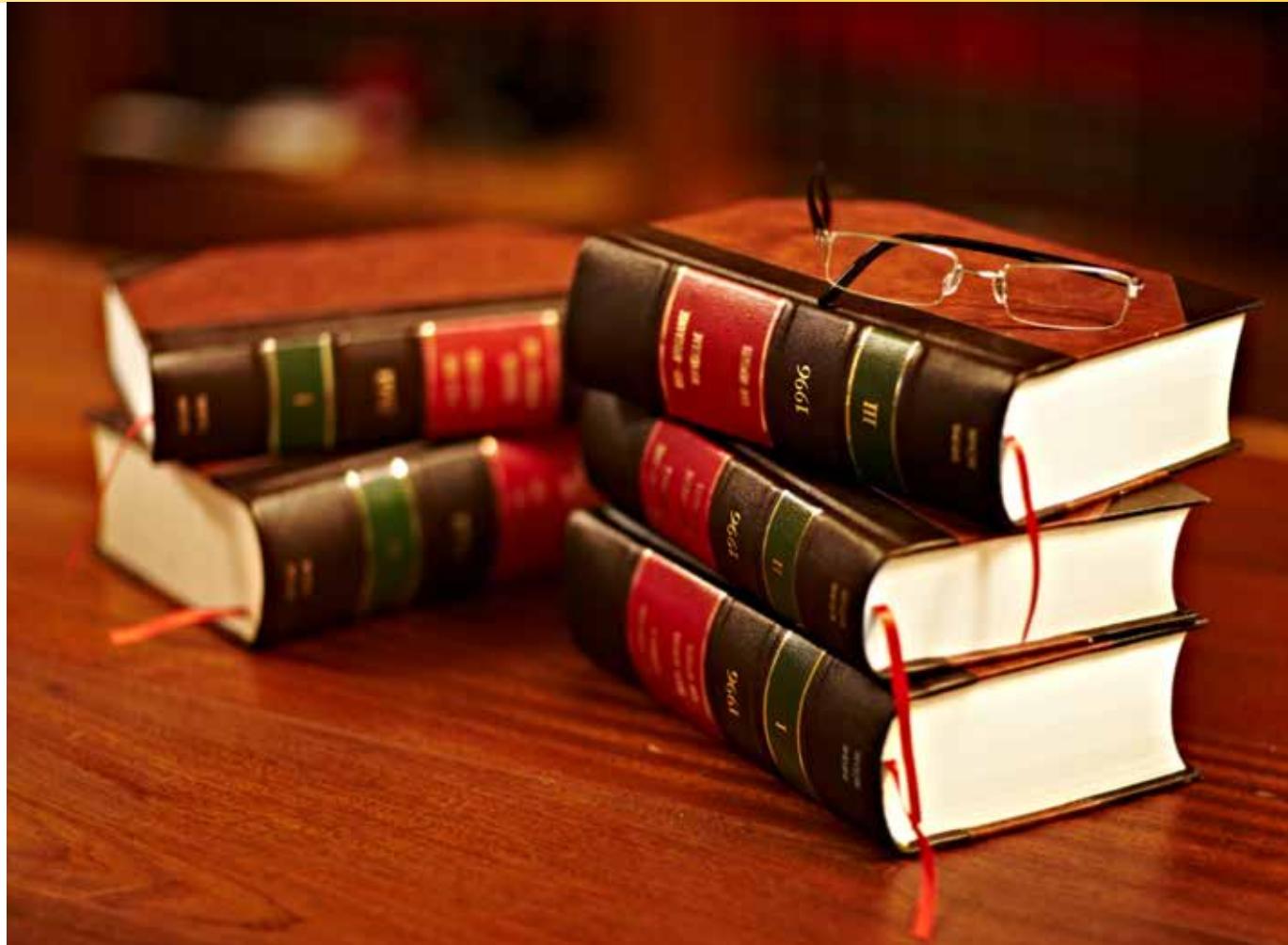
The COVID19 pandemic forced courts to operate under restricted conditions. Very few trials proceeded in the High Court and consequently backlogs increased. Four new trial courts were allocated as fast track rolls to combat and address the rising outstanding criminal court roll. These courts would have a continuous roll with the possibility that matters run simultaneously. Although there were some teething problems, the methodology will remain in place for the remainder of the year to assess its feasibility.

The Division has been very successful in the utilisation of section 18 of POCA and R31m in confiscation orders were obtained. This initiative, which has been running for several years, continues to yield results.

The Division has identified case finalisations through plea and sentence agreements as a focus to address the outstanding court rolls and backlog cases.

Table 11: Western Cape Division's 2021/2022 achievements

Period	Bellville	Cape Town	George	Mitchells Plain	Wynberg	HC	Total
Totals	636	275	27	114	251	12	1 315



The prosecutors attached to the OCC and STU components in the DPP's office conduct almost all of their prosecutions in the lower courts. They manage their prosecutions to ensure they are finalised speedily. In this manner, 85 cases were finalised with a conviction rate of 91%.

The Western Cape is plagued by GBV and serious violent crime, in particular murder and child murder, as well as organised crime.

The Division experiences a disproportionate number of prosecutions that cannot proceed due to the reluctance of witnesses to testify. This phenomenon is most prevalent in matters involving criminal gangs.

The Division identified two sites to launch the Community Prosecutions initiative, Browns Farm and Delft. In Delft, the focus is on domestic violence and access to interdicts, while in Browns Farm, the focus is on GBV and alcohol-related offences. Alcohol abuse is a catalyst for a number of offences committed in the Browns Farm area.

The Western Cape Innovation Team identified a number of initiatives, including the following in the Worcester and surrounding area, which are outside of the Cape Metropole:

- The improvement of liaison with the families of the deceased in femicide matters in the rural area in the Karoo.
- A community outreach programme in the De Doorns and Touws River areas with regard to concealed births, child deaths and other related matters.
- A school outreach programme to focus on GBV and femicide. The initiative is the direct result of the increase in intimate partner violence, femicide, child deaths and concealment of birth matters in the Worcester Regional Court jurisdictional area, which includes various Boland towns.

A request to appoint a judge to re-open the inquest in the Imam Haron TRC matter is pending.

10



ANNEXURES

COMPOSITION OF STRUCTURES

1. Anti-Corruption Task Team (ACTT)

The Anti-Corruption Task Team (ACTT) is a collaborative effort between stakeholders to deal with the investigation and prosecution of serious and complex cases of corruption. The case management committee consists of members from various institutions including the Directorate for Priority Crime Investigations (DPCI), Special Investigating Unit (SIU), Financial Intelligence Centre (FIC), National Prosecuting Authority (NPA), National Treasury and Department of Public Service and Administration (DPSA). Apart from monitoring cases on the Priority List, the ACTT Executive Committee also tracks the progress on foreign bribery cases, unexplained wealth, risk management, integrated resource planning and strategic matters related to COVID procurement corruption. More details on progress made in the prosecution of these cases are provided later in the report by the Deputy National Directors of Public Prosecutions (DNDPPs) and Special Directors of Specialised Commercial Crime and Asset Forfeiture.

2. African Prosecutors Association (APA)

The Africa Prosecutors Association (APA), an organisation of 30 African prosecution authorities, was established in 2003 to enhance cooperation between prosecution agencies and authorities in Africa.

It was established as a response to rising transnational criminal activities in Africa such as transnational organised crime. The APA convenes on an annual basis to entrench its objectives and address the growing challenges facing African prosecutors, the first of which was held in Durban, South Africa, the APA has aimed to address numerous priorities relating to rule of law and international cooperation in criminal matters. The APA is led by an executive committee, which is elected during the Annual General Meeting (AGM), which takes place every two years.

3. Case flow management meetings (CFM)

Case flow management meetings are comprised of representatives from the NPA, Legal Aid South Africa and the judiciary. These meetings are convened at local, provincial and national

levels. The objective is to identify blockages and contributing factors to poor performance and to find ways to jointly address these. At the local level, the Senior Public Prosecutors (SPPs) and Chief Prosecutors (CPs) attend on behalf of the NPA. The Director of Public Prosecution (DPP) and/or his or her representative attend the Provincial meeting, which is called the Provincial Efficiency Enhancement Committee (PEEC). The national forum is chaired by the Chief Justice and DPPs or their delegates represent the NPA.

4. NPA Executive Committee (ExCo)

The Executive Committee (ExCo) of the NPA was established by the National Director of Public Prosecutions (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.

5. Financial Action Task Force (FATF)

The 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 these illegal 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 go after 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.

COMPOSITION OF STRUCTURES continued

6. Fusion centre

In 2020, the ACTT established a Fusion Centre. The Fusion Centre was formed by the SIU, DPCI and NPA enforcement agencies 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 aim is: 1) to ensure prompt coordinated action by said enforcement agencies to expedite the investigation, prosecution and recovery of assets; 2) 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.

7. International Association of Prosecutors (IAP)

The International Association of Prosecutors (IAP), the only worldwide organisation of prosecutors, was established in 1995 at the United Nations (UN) offices in Vienna. It is comprised of more than 183 organisational members from over 177 different countries (representing every continent), as well as many individual members. The main impetus leading to its formation was the rapid growth globally of serious transnational crime, particularly drug trafficking, money laundering and fraud.

8. International Cooperation Component

The International Cooperation Component is responsible for the management and coordination of incoming and outgoing requests for extradition and Mutual Legal Assistance (MLA). It is composed of a Deputy DPP (reporting to the Head of NPS), three Senior State Advocates (two of which are currently vacant) and two administrative assistants (one of which is currently vacant).

With its objective being efficient coordination of requests for international cooperation in criminal matters and to continuously work towards enhancing collaboration and cooperation, the Component participates in a number of national and international fora, inter alia: 1) interdepartmental meetings coordinated by the Department of International Relations and Cooperation (DIRCO), the DPSA and the Department of Justice and Constitutional Development (DoJ&CD); 2) Interdepartmental Committee on MLA and Extradition coordinated

by the DoJ&CD; 3) Interdepartmental Working Group on the FATF Mutual Evaluation Report coordinated by the FIC; 4) Meetings with counterparts from other countries on invitation and in conjunction with the DoJ&CD, DIRCO, the DPSA or the FIC; and 5) UN meetings that pertain to international cooperation.

9. NPA Management Committee (ManCo)

The Management Committee (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 thereof. ManCo is comprised of the NDPP and the DNDPPs, as well as all the Special Directors of Public Prosecutions DPPs and Chief Directors.

10. Missing Persons Task Team (MPTT)

The Missing Persons Task Team (MPTT) emerged as a recommendation in the Truth and Reconciliation Commission's (TRC) Final Report to Investigate Apartheid Missing Persons Cases in 1996. The task team works alongside the Equipo Argentino de Anthropolgia Forense (EAAF), better known as the Argentine Forensic Anthropology Team, which was established in 1984.

11. National Efficiency Enhancement Committee (NEEC)

The National Efficiency Enhancement Committee (NEEC) was established by the judiciary and is chaired by the Chief Justice. Its 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 the South African Police Services (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 (represented by the DPPs), Chief Magistrates, representatives of the Law Society of South Africa and the General Council of the Bar.

12. North-West Intervention Inter Ministerial task team (IMTT)

As tasked by the President of the Republic of South Africa, the North-West Intervention Inter Ministerial task team (IMTT) was charged with conducting an urgent assessment of the state of governance in the North-West Province, as well as advising and reporting to Cabinet on potential risks facing the province. The IMTT and its Technical Task Team (TTT) conducted a diagnostic assessment of the current situation in the North-West Province. Prior to the submission of a final report on the assessment of the state of governance in the North West Province, a preliminary report provided an analysis of the root causes, outlined initial remedial interventions, identified numerous areas where further work is required and provided recommendations to restore normality to the province.

The TTT, chaired by the Director General (DG) of the Department of Planning, Monitoring and Evaluation (DPME) and comprising the DGs of the respective IMTT Departments, met with the Provincial Heads of Department and the DG of the North-West Province in preparation for IMTT engagements with the Provincial Executive.

13. NPA Task Force

The Task Force will prioritise DPCI and NPA responses to the reports of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (known as the Zondo Commission). The Task Force is mandated to: consider the findings and recommendations flowing from the Zondo Commission; consider and make recommendations on how the work should be most effectively coordinated by the DPCI and the NPA (including and through enhanced collaboration with relevant external partners); regularly review progress made with regard to matters; consider making further

recommendations; and provide high-level reports to the NDPP and head of the DPCI, as well as NPA ExCo and ManCo.

The Task Team is comprised of the NPA's Business Unit Special and Deputy Directors, Regional Directors of Public Prosecution, Heads and the Chief Director of the Investigating Directorate (ID), the Deputy DG: Corporate Services and executives of the DPCI. The ID takes the lead in investigating and prosecuting the matters, while the DPCI and the DPPs contribute towards investigations and prosecutions.

14. National Task Team (NTT)

The National Task Team (NTT) on Gender and Sexual Orientation-Based Violence was established by the DoJ&CD in March 2011. The aim of the NTT is to address human rights concerns and violations amongst lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) persons. The objectives of the NTT are to: strengthen government's ability to respond to the needs and vulnerabilities of LGBTQI persons; and to create awareness and improve the capacity of key services such as SAPS, the NPA and the Departments of Social Development, Health and Correctional Services, in order to eliminate gaps within the criminal justice system and provide better access to justice for LGBTQI+ persons. It also implements, monitors and evaluates the National Intervention Strategy (NIS), which formulates mechanisms that counter the problem of gender and sexual orientation-based violence against LGBTQI+ persons, paying particular attention to the criminal justice system. The NIS was developed by the DoJ&CD in collaboration with other government departments, Chapter 9 Institutions and civil society organisations (CSOs) that specialise in diverse rights and legal matters relating to LGBTQI persons.

15. Organisation for Economic Co-operation and Development (OECD)

The Organisation for Economic Co-operation and Development (OECD) is an international organisation in which governments work together to find solutions to common challenges, develop global standards, share experiences and identify best practices to promote better policies for better lives. South Africa became a partner of the OECD in 2007.

COMPOSITION OF STRUCTURES continued

16. Priority Cases or Priority List

Priority Cases, interchangeably referred to as the Priority List or Priority List of Cases, are cases prioritised by the ACTT in accordance with set criteria which the ACTT Case Management Committee considers. The criteria consist of a case selection process, criteria and assessment. The case selection is based on: crime type, monetary value involved, persons/officials involved, case age analysis, cumulative scoring and threshold for case selection, government priorities and national interests.

17. Provincial Efficiency Enhancement Committee (PEEC)

The Provincial Efficiency Enhancement Committee (PEEC) is aimed at improving the judicial system on case flow management in the regions. The PEEC is comprised of the DPP and judicial officers. The provincial committees are mandated to enhance access to justice by ensuring, among others: 1) The cooperation and commitment of all relevant stakeholders in the efficient and effective adjudication of disputes in the courts; 2) The proper implementation of norms and standards; and 3) The proper understanding and support of case flow management. The Heads of Courts are required to report the progress of the PEECs to the Chief Justice.

18. Provincial Task Teams (PTT)

The NTT has formulated Provincial Task Teams (PTTs) in the Northern Cape, Limpopo and Mpumalanga. More PTTs are going to be formed in other parts of the country. The activities of the PTTs are coordinated by the Regional Offices of the DoJ&CD. It is the goal of the NTT to tackle gender and sexual orientation-based violence in conjunction with other key role-players, making use of diverse strategies in order to guarantee the realisation of the rights of LGBTQI+ persons.

19. Rapid Response Team (RTT)

The Working Group of the NTT established a Rapid Response Team (RTT) comprised of representatives of the DoJ&CD, the NPA, the SAPS and CSOs. The RTT was created to respond to pending cases in the criminal justice system for crimes levelled against LGBTQI persons. This initiative has both medium- and long-term goals.

AFU PERFORMANCE IN THE LAST 15 YEARS

Year	Freezing orders number	Freezing orders value (Rm)	Completed confiscations and forfeitures number	Completed confiscations and forfeitures value (Rm)	Recoveries R(m)	Corruption freezing orders (Rm)	Corruption recoveries (Rm)	Success rate
2007/08	104	211	42	19	4	117	34	
2008/09	274	292	278	257	96	17	43	
2009/10	316	489	269	194	108	236	2	
2010/11	335	548	322	212	67	321	0	
2011/12	323	555	302	164	130	138	55	
2012/13	276	518	305	119	55	240	12	
2013/14	366	761	391	296	184	327	34	
2014/15	362	2763	466	1939	1706	1805	1493	
2015/16	352	778	418	403	447	42	59	96%
2016/17	414	1149	569	425	218	53	73	99%
2017/18	345	4384	631	358	293	3821	1	98%
2018/19	283	466	495	3092	3047	266	2847	98%
2019/20	326	1951	414	455	189	1288	6	98%
2020/21	308	1027	295	136	111	724	3	99%
2021/22	320	5500	370	406	281	5490	118	99%

DIVISIONAL TABLES

Eastern Cape Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	95.6% = 108/113	91.7% = 77/84	94.2% = 114/121
Conviction rate in regional courts	2	79.6% = 2 097/2 635	81.1% = 1 356/1673	78.6% = 1 893/2 408
Conviction rate in district courts	3	90.6% = 16 300/17 992	91.2% = 6 441/7 066	83.7% = 9 030/10 788
Conviction rate in murder prosecutions	4	76.3% = 342/448 Cases	79.5% = 252/317 Cases	77.8% = 385/495 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	97% = 32/33 Counts	96.1% = 73/76 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	95.5% = 21/22 Counts	90.9% = 40/44 Counts
Conviction rate in trio crimes	7	80% = 144/180	79.6% = 90/113	77.2% = 122/158
Conviction rate in sexual offences	8	74.1% = 486/656	77.9% = 325/417	77.8% = 455/585
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	1/1	288/356	1280/2078
Conviction rate in complex commercial crime	11	94.1% = 64/68	83.8% = 31/37	83.7% = 36/43
Number of Government officials convicted for offence related to corruption	12	12	3	6
Number of persons convicted of private sector corruption	13	37	8	19
Decisions made in Priority Corruption cases older than five years	14	3/81	2/81	1/81
Conviction rate in complex tax cases	15	63.6% = 7/11	80% = 12/15	100% = 9/9

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of cases finalised with verdict involving money laundering	16	12	5	8
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	0
Conviction rate in organised crime	18	=/	100% = 4/4	100% = 20/20
Conviction rate in environmental crimes	19	98.5% = 64/65	98.9% = 92/93	97.6% = 121/124
Conviction rate in cybercrime prosecutions	20	100% = 35/35	100% = 13/13	100% = 21/21
Conviction rate in copper theft and essential infrastructure prosecutions	21	93.8% = 30/32	88.5% = 23/26	90.2% = 74/82
Conviction rate in cable theft	22	% = 0/0	100% = 1/1	100% = 5/5
Clearance ratio on decision dockets received	23	92.2% = 82 940 Dealt with	93.8% = 87 930 Dealt with	91.4% = 81 491 Dealt with

DIVISIONAL TABLES continued

Eastern Cape Division – Mthatha

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	91.7% = 22/24	85.7% = 12/14	96.2% = 25/26
Conviction rate in regional courts	2	87.9% = 950/1 081	88.1% = 657/746	88% = 855/972
Conviction rate in district courts	3	93.4% = 4 864/5 206	96% = 3 561/3 711	91.7% = 3 746/4 086
Conviction rate in murder prosecutions	4	87.1% = 203/233 Cases	85.4% = 170/199 Cases	80.3% = 233/290 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	80% = 8/10 Counts	94.4% = 34/36 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	71.4% = 5/7 Counts	93.5% = 29/31 Counts
Conviction rate in trio crimes	7	89.2% = 33/37	66.7% = 16/24	77.3% = 17/22
Conviction rate in sexual offences	8	88.1% = 223/253	92.9% = 195/210	90.5% = 305/337
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	1/1	37/55	415/512
Conviction rate in complex commercial crime	11	94.4% = 17/18	91.7% = 11/12	97.7% = 43/44
Number of Government officials convicted for offence related to corruption	12	3	5	16
Number of persons convicted of private sector corruption	13	2	0	0
Decisions made in Priority Corruption cases older than five years	14	/76	3/76	6/75
Conviction rate in complex tax cases	15	% = 0/0	% = 0/0	% = 0/0
Number of cases finalised with verdict involving money laundering	16	0	1	4

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	0
Conviction rate in organised crime	18	=/	83.3% = 5/6	75% = 3/4
Conviction rate in environmental crimes	19	50% = 1/2	100% = 37/37	100% = 21/21
Conviction rate in cybercrime prosecutions	20	% = 0/0	% = 0/0	100% = 3/3
Conviction rate in copper theft and essential infrastructure prosecutions	21	100% = 2/2	100% = 3/3	% = 0/0
Conviction rate in cable theft	22	% = 0/0	% = 0/0	% = 0/0
Clearance ratio on decision dockets received	23	92% = 17 045 Dealt with	88.3% = 17 387 Dealt with	91.4% = 17 978 Dealt with

DIVISIONAL TABLES continued

Free State Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	93.2% = 55/59	90.6% = 48/53	86.4% = 57/66
Conviction rate in regional courts	2	81.6% = 1 579/1 936	78.9% = 1 001/1 269	77.3% = 1 213/1 569
Conviction rate in district courts	3	96.8% = 24 174/24 971	97.7% = 20 094/20 574	96.7% = 21 249/21 964
Conviction rate in murder prosecutions	4	80.5% = 239/297 Cases	83.3% = 194/233 Cases	79.9% = 207/259 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	85.4% = 35/41 Counts	96.2% = 51/53 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	86.5% = 32/37 Counts	95.2% = 40/42 Counts
Conviction rate in trio crimes	7	87.4% = 97/111	91.5% = 54/59	80.6% = 50/62
Conviction rate in sexual offences	8	74.9% = 444/593	70.2% = 266/379	71.4% = 417/584
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	1/2	100/209	548/963
Conviction rate in complex commercial crime	11	90.4% = 47/52	94.3% = 33/35	100% = 22/22
Number of Government officials convicted for offence related to corruption	12	41	13	20
Number of persons convicted of private sector corruption	13	22	30	34
Decisions made in Priority Corruption cases older than five years	14	1/73	3/73	1/73
Conviction rate in complex tax cases	15	% = 0/0	100% = 12/12	100% = 25/25
Number of cases finalised with verdict involving money laundering	16	5	4	7

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	0
Conviction rate in organised crime	18	=/	100% = 35/35	80% = 4/5
Conviction rate in environmental crimes	19	98% = 100/102	90.3% = 65/72	96.6% = 57/59
Conviction rate in cybercrime prosecutions	20	94.4% = 17/18	100% = 5/5	100% = 10/10
Conviction rate in copper theft and essential infrastructure prosecutions	21	89.2% = 58/65	76.5% = 26/34	94.8% = 55/58
Conviction rate in cable theft	22	% = 0/0	66.7% = 2/3	100% = 9/9
Clearance ratio on decision dockets received	23	99.4% = 78 610 Dealt with	99.3% = 77 869 Dealt with	99.7% = 100 780 Dealt with

DIVISIONAL TABLES continued

Gauteng Division – Pretoria

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	88.1% = 74/84	98% = 49/50	91.7% = 55/60
Conviction rate in regional courts	2	84.8% = 1 951/2 301	86% = 1 257/1 462	83.4% = 1 396/1 674
Conviction rate in district courts	3	95.9% = 12 131/12 656	96.6% = 8 649/8 957	96.1% = 9 081/9 445
Conviction rate in murder prosecutions	4	81.6% = 239/293 Cases	79.4% = 150/189 Cases	79.5% = 174/219 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	100% = 21/21 Counts	83.3% = 20/24 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	100% = 15/15 Counts	87% = 20/23 Counts
Conviction rate in trio crimes	7	79.6% = 168/211	78.2% = 86/110	81.3% = 87/107
Conviction rate in sexual offences	8	74.4% = 297/399	77.2% = 179/232	75.2% = 246/327
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	2/2	245/462	1 100/1454
Conviction rate in complex commercial crime	11	91.6% = 131/143	93.8% = 45/48	98.4% = 60/61
Number of Government officials convicted for offence related to corruption	12	14	5	4
Number of persons convicted of private sector corruption	13	30	11	12
Decisions made in Priority Corruption cases older than five years	14	5/87	9/86	5/87
Conviction rate in complex tax cases	15	100% = 4/4	100% = 4/4	80% = 4/5
Number of cases finalised with verdict involving money laundering	16	9	8	6

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	2
Conviction rate in organised crime	18	=/	100% = 8/8	100% = 10/10
Conviction rate in environmental crimes	19	100% = 7/7	100% = 7/7	90.9% = 10/11
Conviction rate in cybercrime prosecutions	20	100% = 64/64	100% = 3/3	100% = 10/10
Conviction rate in copper theft and essential infrastructure prosecutions	21	80.4% = 82/102	86.4% = 108/125	82.8% = 188/227
Conviction rate in cable theft	22	% = 0/0	80% = 24/30	83% = 44/53
Clearance ratio on decision dockets received	23	82.4% = 94 575 Dealt with	81.1% = 89 844 Dealt with	91% = 82 544 Dealt with

DIVISIONAL TABLES continued

Gauteng Local Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	93.2% = 137/147	95.2% = 80/84	92.1% = 82/89
Conviction rate in regional courts	2	82.8% = 3 299/3 983	83.6% = 1 589/1 901	79.1% = 2 137/2 700
Conviction rate in district courts	3	94.1% = 16 334/17 358	95.1% = 7 375/7 754	90.8% = 7 230/7 961
Conviction rate in murder prosecutions	4	80.9% = 288/356 Cases	76.8% = 149/194 Cases	71.2% = 190/267 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	95.7% = 22/23 Counts	100% = 26/26 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	87.5% = 14/16 Counts	100% = 22/22 Counts
Conviction rate in trio crimes	7	78.2% = 201/257	89.3% = 109/122	79% = 162/205
Conviction rate in sexual offences	8	71.9% = 314/437	74.4% = 125/168	66% = 217/329
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	4/6	347/550	949/1332
Conviction rate in complex commercial crime	11	91.3% = 167/183	89.3% = 67/75	85.7% = 60/70
Number of Government officials convicted for offence related to corruption	12	20	4	12
Number of persons convicted of private sector corruption	13	43	21	41
Decisions made in Priority Corruption cases older than five years	14	5/79	3/79	3/78
Conviction rate in complex tax cases	15	100% = 31/31	78.9% = 15/19	100% = 21/21
Number of cases finalised with verdict involving money laundering	16	17	11	21

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	3	1
Conviction rate in organised crime	18	=/	100% = 36/36	96% = 24/25
Conviction rate in environmental crimes	19	94.6% = 122/129	100% = 89/89	100% = 54/54
Conviction rate in cybercrime prosecutions	20	98.8% = 84/85	100% = 26/26	95.1% = 39/41
Conviction rate in copper theft and essential infrastructure prosecutions	21	77.1% = 135/175	90.7% = 107/118	77% = 184/239
Conviction rate in cable theft	22	% = 0/0	88.5% = 23/26	90.5% = 38/42
Clearance ratio on decision dockets received	23	92.1% = 139 871 Dealt with	93% = 124 166 Dealt with	90.7% = 107 864 Dealt with

DIVISIONAL TABLES continued

Kwazulu-Natal Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	85.2% = 115/135	93.3% = 56/60	85.7% = 78/91
Conviction rate in regional courts	2	80% = 2 956/3 696	79.9% = 1 892/2 368	78.4% = 2 518/3 211
Conviction rate in district courts	3	95.8% = 30 113/31 436	96.5% = 17 063/17 688	94.5% = 18 285/19 355
Conviction rate in murder prosecutions	4	79.8% = 399/500 Cases	80.8% = 308/381 Cases	74.8% = 457/611 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	100% = 20/20 Counts	85.7% = 48/56 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	100% = 18/18 Counts	91.4% = 53/58 Counts
Conviction rate in trio crimes	7	88.3% = 242/274	87.8% = 129/147	79.8% = 206/258
Conviction rate in sexual offences	8	73% = 516/707	74.6% = 255/342	71.1% = 409/575
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	1/2	227/372	1 335/1847
Conviction rate in complex commercial crime	11	93.9% = 92/98	91.9% = 34/37	84% = 42/50
Number of Government officials convicted for offence related to corruption	12	34	14	22
Number of persons convicted of private sector corruption	13	9	11	10
Decisions made in Priority Corruption cases older than five years	14	7/76	4/76	6/76
Conviction rate in complex tax cases	15	% = 0/0	100% = 14/14	100% = 20/20
Number of cases finalised with verdict involving money laundering	16	13	12	7

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	1	0
Conviction rate in organised crime	18	=/	% = 0/1	100% = 5/5
Conviction rate in environmental crimes	19	92.7% = 51/55	88.9% = 32/36	90.5% = 19/21
Conviction rate in cybercrime prosecutions	20	98.2% = 56/57	100% = 15/15	93.8% = 30/32
Conviction rate in copper theft and essential infrastructure prosecutions	21	92.9% = 39/42	97.8% = 45/46	90.3% = 84/93
Conviction rate in cable theft	22	% = 0/0	% = 0/0	50% = 1/2
Clearance ratio on decision dockets received	23	93.5% = 132 837 Dealt with	93.8% = 115 476 Dealt with	94.5% = 118 456 Dealt with

DIVISIONAL TABLES continued

Mpumalanga Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	87.9% = 58/66	97.3% = 72/74	93.1% = 81/87
Conviction rate in regional courts	2	83.5% = 1 176/1 408	79.7% = 756/949	77.5% = 852/1 099
Conviction rate in district courts	3	95.1% = 12 419/13 063	95.4% = 8 670/9 085	94.9% = 8 435/8 888
Conviction rate in murder prosecutions	4	73.7% = 174/236 Cases	72.1% = 145/201 Cases	75.9% = 195/257 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	95% = 19/20 Counts	100% = 23/23 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	96.2% = 25/26 Counts	100% = 28/28 Counts
Conviction rate in trio crimes	7	82.1% = 64/78	86.7% = 52/60	75% = 48/64
Conviction rate in sexual offences	8	80.2% = 349/435	76.3% = 213/279	70.1% = 260/371
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	0/1	122/219	406/568
Conviction rate in complex commercial crime	11	100% = 8/8	91.7% = 11/12	25% = 1/4
Number of Government officials convicted for offence related to corruption	12	7	5	1
Number of persons convicted of private sector corruption	13	8	14	25
Decisions made in Priority Corruption cases older than five years	14	1/86	3/86	2/86
Conviction rate in complex tax cases	15	100% = 11/11	100% = 2/2	100% = 6/6
Number of cases finalised with verdict involving money laundering	16	0	0	1

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	0
Conviction rate in organised crime	18	=/	100% = 3/3	=/
Conviction rate in environmental crimes	19	98% = 288/294	98% = 287/293	96.8% = 244/252
Conviction rate in cybercrime prosecutions	20	100% = 2/2	100% = 3/3	100% = 1/1
Conviction rate in copper theft and essential infrastructure prosecutions	21	96.6% = 28/29	71.7% = 43/60	96.7% = 59/61
Conviction rate in cable theft	22	% = 0/0	59.3% = 16/27	100% = 20/20
Clearance ratio on decision dockets received	23	99.2% = 77 164 Dealt with	99.8% = 76 533 Dealt with	96% = 69 418 Dealt with

DIVISIONAL TABLES continued

Northern Cape Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	97% = 32/33	100% = 19/19	94.1% = 16/17
Conviction rate in regional courts	2	82.9% = 689/831	84.9% = 575/677	81.7% = 607/743
Conviction rate in district courts	3	92.6% = 5 060/5 462	91.8% = 3 167/3 450	91.6% = 3 313/3 616
Conviction rate in murder prosecutions	4	85.7% = 132/154 Cases	84.9% = 118/139 Cases	82.4% = 126/153 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	95.5% = 21/22 Counts	100% = 21/21 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	95% = 19/20 Counts	100% = 22/22 Counts
Conviction rate in trio crimes	7	62.5% = 10/16	76.2% = 16/21	70.8% = 17/24
Conviction rate in sexual offences	8	76.3% = 174/228	81.4% = 166/204	79.7% = 153/192
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	0/0	66/95	256/417
Conviction rate in complex commercial crime	11	95.5% = 21/22	75% = 6/8	100% = 16/16
Number of Government officials convicted for offence related to corruption	12	8	9	9
Number of persons convicted of private sector corruption	13	7	12	12
Decisions made in Priority Corruption cases older than five years	14	1/82	8/81	/82
Conviction rate in complex tax cases	15	100% = 1/1	% = 0/0	100% = 1/1
Number of cases finalised with verdict involving money laundering	16	0	0	2

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	0
Conviction rate in organised crime	18	=/	100% = 24/24	100% = 50/50
Conviction rate in environmental crimes	19	100% = 13/13	100% = 9/9	80% = 4/5
Conviction rate in cybercrime prosecutions	20	100% = 2/2	100% = 1/1	100% = 9/9
Conviction rate in copper theft and essential infrastructure prosecutions	21	85.7% = 6/7	100% = 5/5	77.8% = 7/9
Conviction rate in cable theft	22	% = 0/0	100% = 2/2	50% = 1/2
Clearance ratio on decision dockets received	23	88.6% = 27 791 Dealt with	92.2% = 28 528 Dealt with	93.2% = 25 722 Dealt with

DIVISIONAL TABLES continued

North West Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	94.4% = 17/18	95.2% = 20/21	90% = 18/20
Conviction rate in regional courts	2	81.4% = 1 279/1 571	85% = 705/829	80.9% = 934/1 154
Conviction rate in district courts	3	96.8% = 9 790/10 109	98.3% = 5 513/5 607	96.6% = 5 562/5 758
Conviction rate in murder prosecutions	4	80.8% = 215/266 Cases	83.3% = 115/138 Cases	83.3% = 204/245 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	100% = 16/16 Counts	100% = 17/17 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	100% = 12/12 Counts	90.9% = 10/11 Counts
Conviction rate in trio crimes	7	84.6% = 77/91	91.7% = 44/48	82.7% = 67/81
Conviction rate in sexual offences	8	75.8% = 276/364	80% = 152/190	72.2% = 184/255
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	1/1	86/110	248/338
Conviction rate in complex commercial crime	11	88.2% = 15/17	91.7% = 11/12	80% = 4/5
Number of Government officials convicted for offence related to corruption	12	11	5	8
Number of persons convicted of private sector corruption	13	3	1	7
Decisions made in Priority Corruption cases older than five years	14	2/77	3/76	3/74
Conviction rate in complex tax cases	15	100% = 8/8	100% = 7/7	100% = 11/11
Number of cases finalised with verdict involving money laundering	16	0	3	2

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	0
Conviction rate in organised crime	18	=/	=/	=/
Conviction rate in environmental crimes	19	100% = 30/30	94.1% = 16/17	100% = 24/24
Conviction rate in cybercrime prosecutions	20	80% = 8/10	100% = 4/4	100% = 1/1
Conviction rate in copper theft and essential infrastructure prosecutions	21	94.8% = 55/58	82% = 41/50	97.8% = 89/91
Conviction rate in cable theft	22	% = 0/0	85.7% = 12/14	95.5% = 21/22
Clearance ratio on decision dockets received	23	87% = 35 072 Dealt with	85.4% = 34 395 Dealt with	96.3% = 33 607 Dealt with

DIVISIONAL TABLES continued

Limpopo Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	89.6% = 103/115	90.6% = 77/85	87.4% = 83/95
Conviction rate in regional courts	2	70.4% = 781/1110	68.6% = 687/1001	70.7% = 650/920
Conviction rate in district courts	3	95.3% = 18 263/19 171	94.9% = 13 914/14 661	93.5% = 12 208/13 058
Conviction rate in murder prosecutions	4	69.4% = 120/173 Cases	76% = 130/171 Cases	72.7% = 128/176 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	94.4% = 17/18 Counts	100% = 24/24 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	95.8% = 23/24 Counts	100% = 31/31 Counts
Conviction rate in trio crimes	7	70.3% = 52/74	89.9% = 62/69	83.9% = 73/87
Conviction rate in sexual offences	8	60.2% = 204/339	57.4% = 179/312	58.1% = 155/267
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	0/0	172/247	479/713
Conviction rate in complex commercial crime	11	100% = 1/1	=/	89.5% = 17/19
Number of Government officials convicted for offence related to corruption	12	9	6	4
Number of persons convicted of private sector corruption	13	6	5	7
Decisions made in Priority Corruption cases older than five years	14	5/80	2/80	3/80
Conviction rate in complex tax cases	15	100% = 11/11	100% = 2/2	100% = 6/6
Number of cases finalised with verdict involving money laundering	16	0	1	0

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	0
Conviction rate in organised crime	18	=/	100% = 3/3	=/
Conviction rate in environmental crimes	19	92% = 23/25	81.3% = 13/16	85.7% = 18/21
Conviction rate in cybercrime prosecutions	20	100% = 1/1	% = 0/0	% = 0/0
Conviction rate in copper theft and essential infrastructure prosecutions	21	100% = 2/2	80% = 8/10	88.9% = 8/9
Conviction rate in cable theft	22	% = 0/0	% = 0/0	% = 0/0
Clearance ratio on decision dockets received	23	95.3% = 39 050 Dealt with	97.2% = 44 720 Dealt with	90% = 41 257 Dealt with

DIVISIONAL TABLES continued

Western Cape Division

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Conviction rate in high courts	1	92.4% = 61/66	94.1% = 32/34	95.1% = 39/41
Conviction rate in regional courts	2	86% = 3 763/4378	85.2% = 2 441/2865	85.9% = 2 887/3 360
Conviction rate in district courts	3	96.5% = 45 982/47 670	96.2% = 21 783/22 655	95.3% = 26 013/27 303
Conviction rate in murder prosecutions	4	81.2% = 518/638 Cases	75.5% = 287/380 Cases	79.1% = 378/478 Cases
Conviction rate in femicide prosecutions	5	% = 0/0 Counts	100% = 16/16 Counts	90% = 45/50 Counts
Conviction rate in murder intimate partner femicide prosecutions	6	% = 0/0 Counts	100% = 12/12 Counts	86.7% = 26/30 Counts
Conviction rate in trio crimes	7	84.7% = 172/203	88.7% = 94/106	88.1% = 140/159
Conviction rate in sexual offences	8	80.4% = 603/750	80% = 375/469	81.4% = 503/618
Percentage of TRC reviews concluded	9	6/53	6/53	6/53
Percentage Accused in RC & HC sentenced to direct imprisonment	10	0/0	206/286	1011/1508
Conviction rate in complex commercial crime	11	97.4% = 37/38	95.8% = 23/24	94.6% = 35/37
Number of Government officials convicted for offence related to corruption	12	24	16	18
Number of persons convicted of private sector corruption	13	65	34	41
Decisions made in Priority Corruption cases older than five years	14	3/74	4/72	4/72
Conviction rate in complex tax cases	15	95% = 19/20	60% = 3/5	93.8% = 15/16
Number of cases finalised with verdict involving money laundering	16	14	18	16

Strategic objective	Order	Actual performance (numbers)	Actual performance (numbers) ²	Actual performance (numbers) ³
Fiscal year		FY2019/20	FY2020/21	FY2021/22
Number of ML prosecutions instituted with foreign predicate offending	17	0	0	1
Conviction rate in organised crime	18	=/	83.6% = 51/61	94.3% = 50/53
Conviction rate in environmental crimes	19	98.1% = 153/156	97.3% = 72/74	99.2% = 127/128
Conviction rate in cybercrime prosecutions	20	100% = 28/28	100% = 8/8	100% = 16/16
Conviction rate in copper theft and essential infrastructure prosecutions	21	91.9% = 102/111	90.5% = 134/148	94.9% = 187/197
Conviction rate in cable theft	22	% = 0/0	90.7% = 39/43	98.1% = 53/54
Clearance ratio on decision dockets received	23	94% = 172 667 Dealt with	93.5% = 161 307 Dealt with	92.7% = 164 794 Dealt with

NOTES



National Prosecuting Authority
South Africa

HEAD OFFICE

Victoria & Griffiths Mxenge (VGM) Building
123 Westlake Avenue
Weavind Park
Silverton
Pretoria, 0184

Tel: +2712 845 6000

POSTAL ADDRESS

Private Bag X752
Pretoria, 0001

RP139/2022

ISBN: 978-0-621-50337-1

2021

RECLAIMING OUR ROLE
as **Lawyers for the People**