

NPA ANNUAL PERFORMANCE PLAN

2022-2023

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FOREWORD BY THE NATIONAL DIRECTOR:

The NPA performs a pivotal role in South Africa's criminal justice system. Prosecutors are endowed with significant powers. Their constitutionally mandated responsibility to prosecute without fear or favour is vital for a healthy and functioning society based on the rule of law. The NPA, as a key contributor to creating a safer environment for all in South Africa, must further promote increased access to justice, speedy justice, and overall improvement in service delivery. The sense of impunity has become widespread. This is reflected in enduring high-levels of violent crime, especially the increase in recorded murders and rapes – crimes which disproportionately affect society's most vulnerable.

The NPA remains committed to robustly dealing with gender-based violence and crimes that undermine people's feelings of safety. However, it is our response to the findings and recommendations of the Judicial Commission of Inquiry into State Capture that will be defining for the NPA and South Africa. The prosecution of those implicated in state capture is vitally important to put an end to an era of impunity for the powerful, and to rebuild public confidence which is closely linked to investor confidence and economic growth.

General frustration over the lack of prosecutions for those involved in the grand corruption that characterised state capture is understandable. We begin the 2022/23 period with a focus on restoring the NPA's credibility through addressing corruption. This priority initiative will seek to strengthen internal and external collaboration; increase the impact of asset recovery; enhance the NPA's corruption fighting skills; and more effectively communicate our work on corruption cases.

Furtherance to the previous APP for 2021/22 which focussed our efforts towards implementation and delivery, the 2022-23 reporting period will be defined by uncompromising will and zeal towards delivery of our 5 key outputs which includes, ensuring that effective prosecutions are conducted and that fraud and corruption is dealt with amongst others. This is imperative to translate the commitments in the NPA's 5-year Strategic Plan and the aspirations contained in our organisational vision, mission, and values.

This annual performance plan is developed at a crucial period in terms of government-wide planning cycle. The month of December 2021 marked the mid-term period for the current democratic government, this moment thus marks an opportune time for all governmental departments and entities to reflect on progress made towards attainment of the 5-year strategic outcomes. NPA is equally expected to reflect on progress made in delivering the following strategic outcomes in service to the people of South Africa. These are:

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

The NPA will continue to engage with the Minister of Justice and Parliament to strengthen the NPA's *de jure* and *de facto* independence, and to ensure the NPA is adequately resourced to meet the challenges it and the country faces. To achieve these outcomes, we are forging ahead with the implementation of various strategic initiatives, including:

- Capacitation of the Investigating Directorate (ID).
- Recruitment of specialist skills, as well as bringing on board another large cohort of Aspirant Prosecutors so that all regions and business units have the requisite human resources.
- Enhancing internal accountability through the launch of an Office of Ethics and Accountability to monitor and strengthen internal integrity and service delivery.
- A countrywide community prosecution initiative.
- Strengthening organisational performance through mentoring, professional training and skills development.

To deliver on the NPA's constitutional obligations, we are guided by the pillars of independence, professionalism, accountability and credibility – that we in the NPA call our IPAC values.

It is vital that the NPA is – and is seen to be – upholding and defending the rule of law, fearlessly prosecuting society's most powerful and defending its most vulnerable. Only then can we rightfully be called *Lawyers for the People*.

We usher this financial year 2022-2023 on the back-drop of serious strides in enhancing capacity and on-boarding of the much-needed skills and capabilities to drive the organization forward. I wish to acknowledge the unwavering support and will by the Honorable Minister and the Director General of the Department of Justice, in ensuring that the NPA finds itself with a full and solid complement of senior leadership at national and divisional level. I therefore bear no doubts that this collective of the NPA leadership and our hard-working prosecution teams, are better poised to deliver on our constitutional responsibilities as outlined in this annual performance plan.

It is hereby certified that this Annual Performance Plan:

- Was developed by the management of the NPA and is supported by the Minister of Justice and Correctional Services;
- Takes into account the mandate of the NPA, the Regulatory framework, including applicable legislation, in particular the Constitution and the National Prosecuting Authority Act, 32 of 1998, as amended, relevant strategies, initiatives and policies; and
- Accurately reflects the impact, outcomes and outputs which the NPA will endeavour to achieve over the period 2022 - 2023.

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Ms. Tshidi Modise Signature:

Acting Deputy Director General: NPA

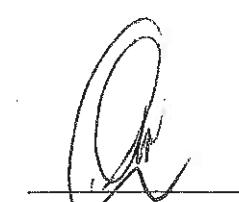


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PART A: OUR MANDATE

1 Updates to the relevant legislative and policy mandates

The relevant legislative and policy mandates are addressed in the Strategic Plan 2020-2025.

2 Updates to institutional policies and strategies

The institutional policies and strategies are addressed in the Strategic Plan 2020-2025.

3 Updates to relevant court rulings

The following are relevant court matters and/or rulings which would likely have an impact on the National Prosecuting Authority's operations or service delivery obligations:

Rodrigues v National Director of Public Prosecutions and Others 2021 (2) SACR 333 (SCA)

An Apartheid crime matter. The appellant applied for leave to appeal against a decision of the High Court which had dismissed his application for a declaratory order that criminal proceedings instituted against him relating to the death of the late Mr Ahmed Timol at a police station in Johannesburg constituted an unfair trial as envisaged by section 35(3) of the Constitution, and that he be granted a permanent stay on the charge of murder in the criminal proceedings against him.

The majority of the SCA held that the issue of the alleged political interference in the prosecution of crimes such as the present one, and its ongoing impact and relevance for prosecutions that might still be instituted in future, was certainly relevant, and for that reason there was a compelling reason to grant leave to appeal.

S v Zuma and Another (CCD30/2018) [2021] ZAKZPHC 89 (26 October 2021)

A challenge to the lead prosecutor's title to prosecute predicated on the allegation or averment that the prosecutor lacked the independence and impartiality or objectivity needed for the accused to receive a fair trial.

The Court dismissed the special plea in terms of section 106(1)(h) of the Criminal Procedure Act 51 of 1977, where the title to prosecute of the lead prosecutor of the case, Adv. William (Billy) Downer SC, was challenged based on the averment that the prosecutor lacked the independence and impartiality or objectivity needed for the accused to receive a fair trial.

S v Moussa 2021 (2) SACR 378 (GJ)

A challenge to the lead prosecutor's title to prosecute predicated on the allegation or averment that the prosecutor lacked the independence and impartiality or objectivity needed for the accused to receive a fair trial.

The Court dismissed the special plea in terms of section 106(1)(h) of the Criminal Procedure Act 51 of 1977, where the title to prosecute of the lead prosecutor of the case, Adv. William (Billy) Downer SC, was challenged based on the averment that the prosecutor lacked the independence and impartiality or objectivity needed for the accused to receive a fair trial.

The National Director of Public Prosecutions (Ex Parte Application) (Case no 669/2020) [2021] ZASCA 142 (7 October 2021)

In the premises, it was ordered that the order of the High Court striking the ex parte application from the roll is set aside and substituted with the order that the NDPP may re-enrol the application, which had to be set down in accordance with Rule 6(4)(a) of the Uniform Rules of Court and dealt with on the merits, without the need for service and in accordance with the requirements for the making of the order sought as laid down in section 38(2) of POCA.

Part I of the Judicial Commission of Inquiry into State Capture Report

Following the inquiry into State capture which took almost four years, the Commission (also known as the "Zondo Commission" issued the report. The Report has made recommendations on the recovery of amounts by the Asset Forfeiture Unit ("AFU") under Chapter 5 or Chapter 6 of the Prevention of Organised Crime Act 121 of 1998 ("POCA").

PART B: OUR STRATEGIC FOCUS

4 Updated situation analysis

4.1 External Environment Analysis

The culture of lawlessness and violence: South Africa is experiencing an increasing culture of violence and lawlessness¹, which is attributed to a cocktail of various factors². Firstly, there is persisting poor socio-economic condition, which is manifested by the fact that 34.9% of the labour force is unemployed while 46% of the youth (15-34yrs) is neither in employment, education, or training³. 55% of South Africans are currently living below the national upper-bound poverty line of ZAR 1 335 per person per month in 2021 prices⁴). There is a strong correlation between the triple challenge of unemployment, poverty and inequality and crime⁵ and these continue to be consistently high⁶. A case in point, a Report of the Expert Panel into the July 2021 Civil Unrest found that unemployment, poverty, and inequality served as a conducive setup for the planned violent civil unrest that took place in parts of the provinces of KwaZulu-Natal and Gauteng in July 2021⁷.

Secondly, as stated in Chapter 12 of the National Development Plan (NDP), there is a perception that criminals escape the law, and that arrests do not lead to successful prosecution⁸. Furthermore, there is also a perception that the elite are getting away with murder, as it were, in terms of looting public funds. These perceptions embolden others to also commit acts of violence and lawlessness.

There has also been an attempt by certain groups of people to destabilise the state to evade accountability for corrupt practices and other malfeasance⁹. This has been evidenced by the public hearings, testimonies, and the publication of the findings of the Judicial Commission of Inquiry into

¹ A state of disorder due to a disregard of the law.

² Lamb, G. (2021). Why have South Africans been on a looting rampage? Research offers insights. & Visagie, J., Turok, I. & Swartz, S. (2021). What lies behind social unrest in South Africa, and what might be done about it.

³ Statistics South Africa. (2021). Quarterly Labour Force Survey: Quarter 3 of 2021. Accessed from: <http://www.statssa.gov.za/publications/P0211/P02113rdQuarter2021.pdf>, dated 30 November 2021.

⁴ Statistics South Africa. (2021). National Poverty Lines. Accessed from: <http://www.statssa.gov.za/publications/P03101/P031012021.pdf>, 9 September 2021.

⁵ Bhorat, H. (2017). The Socio-economic determinants of crime in South Africa: An empirical assessment. Accessed from: https://media.africaportal.org/documents/Socio_Economic_Determinants.pdf

⁶ World Bank. (2018). Overcoming Poverty and Inequality in South Africa: An Assessment of Drivers, Constraints and Opportunities. Accessed from: <https://openknowledge.worldbank.org/bitstream/handle/10986/29614/124521-REV-OUO-South-Africa-Poverty-and-Inequality-Assessment-Report-2018-FINAL-WEB.pdf?sequence=1&isAllowed=y>

⁷ Africa, S., Sokupa, M. and Gumbi, M. (2021). Report of the Expert Panel into the July 2021 Civil Unrest dated 29 November 2021. Accessed from: <https://www.thepresidency.gov.za/download/file/fid/2442>, dated 17 February 2022.

⁸ National Planning Commission. (2012). National Development Plan: Vision 2030 (Chapter 12: Building Safer Communities). Accessed from: https://www.nationalplanningcommission.org.za/assets/Documents/NDP_Chapters/NDP%202030-CH12-Building%20safer%20communities.pdf

⁹ Ndleiyana, M. (2021). Unrest is being used to subvert South Africa's democracy: giving in is not an option. Accessed from: <https://theconversation.com/unrest-is-being-used-to-subvert-south-africas-democracy-giving-in-is-not-an-option-164499>, dated 10 October 2021.

Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State¹⁰. The Report of the Expert Panel into the July 2021 Civil Unrest also found that President Jacob Zuma's refusal to cooperate with the Judicial Commission of Inquiry into Allegations of State Capture, which culminated in his sentencing of 15 months' imprisonment. "was a major factor in the build-up to, and the actual violence and looting experienced in July 2021"¹¹. The report¹² also found that while there is evidence of opportunistic looting, the 2021 July violent civil unrest was well-orchestrated by an organised group of people to "make the country ungovernable".

Service delivery protests have become a common feature in South Africa¹³, with protests which are either hijacked by criminals, underworld, opportunistic individuals. This is further exacerbated by emerging attitudes that protest-related violence and looting are morally permissible¹⁴, and that law enforcement agencies are perceived to be ill-prepared or indifferent to deal with the protest-related violence¹⁵. This emboldens the rebels of the rule of law. Although public protests are governed by legislative and policy frameworks and can be justifiable¹⁶, violent protests can be costly and have undesirable consequences, including in some instances damage to property and infrastructure as well as negative effects on the economy¹⁷.

Accountability deficit: There is dearth of accountability across all spheres of government in South Africa¹⁸. This is mainly attributed to the South African parliamentary makeup of the political parties¹⁹.

10 Corruption Watch. (2022). First Zondo Report enables civil society to keep up pressure for meaningful reform. Accessed from: <https://www.corruptionwatch.org.za/first-zondo-report-enables-civil-society-to-keep-up-pressure-for-meaningful-reform/>

11 Africa, S., Sokupa, M. and Gumbi, M. (2021: 38). Report of the Expert Panel into the July 2021 Civil Unrest, dated 29 November 2021. Accessed from: <https://www.thepresidency.gov.za/download/file/fid/2442>, dated 17 February 2022.

12 Report of the Expert Panel into the July 2021 Civil Unrest.

13 Ngcamu, B. (2019). Exploring service delivery protests in post-apartheid South African municipalities: A literature review. Accessed from: <https://td-sa.net/index.php/t/article/view/643/1111>

14 Lamb, G. (2021). Why have South Africans been on a looting rampage? Research offers insights. Accessed from: https://theconversation.com/why-have-south-africans-been-on-a-looting-rampage-research-offers-insights-164571?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20July%202015%202021%20-202003919679&utm_content=Latest%20from%20The%20Conversation%20for%20July%202015%202021%20-202003919679+CID_959e03ca230fe8e47bf4845067a3f473&utm_source=campaign_monitor_africa&utm_term=Why%20have%20South%20Africans%20been%20on%20a%20looting%20rampage%20Research%20offers%20insights, dated 10 October 2021.

15 Hoffman, P. (2021). New anti-corruption body needed: Accountability flies out the window as ANC faction fighting spills on to the streets. Accessed from: <https://www.dailymaverick.co.za/opinionista/2021-07-21-new-anti-corruption-body-needed-accountability-flies-out-the-window-as-anc-faction-fighting-spills-on-to-the-streets/>, dated 10 October 2021.

16 Mphele, Z. (2012) Are service delivery protests justifiable in the democratic South Africa? Accessed from: https://uir.unisa.ac.za/bitstream/handle/10500/12625/pad_v47_n1_s1_a2.pdf?sequence=1

17 Tenza, M. 2020. The effects of violent strikes on the economy of a developing country: a case of South Africa. Accessed from: http://www.scielo.org.za/scielo.php?script=sci_artext&pid=S1682-59532020000300004

18 Gumede, W. (2021). South Africa's crisis of lack of accountability. Accessed from: <https://www.news24.com/news24/analysis/william-gumede-south-africas-crisis-of-lack-of-accountability-20210908>, dated 8 September 2021.

19 The African National Congress (ANC) is running government administration while also enjoying the majority in parliament. This 'technically one-party state' disincentivizes the ANC to hold itself accountable while the opposition parties are too small (in parliament) to enforce any real accountability save using the courts as a last resort. Furthermore, the ANC-dominated Parliamentary Portfolio Committees and other oversight bodies find themselves incapable of holding the executive accountable. As a result, the courts are increasingly being asked to run government instead of just upholding the rule of law. This, in turn, clogs the courts for criminal matters which affects NPA's performance.

Lack of accountability perpetuates a culture of impunity²⁰. There is, therefore, a need to hold lawbreakers accountable to avoid creating a perception that lawlessness is allowed and that the rule of law is a myth in South Africa²¹. The above point (lack of accountability) necessitates the need to take care of whistle-blowers, not only in terms of physical protection but financially as well especially for those that end up losing their jobs for blowing the whistle.

Overview of Corruption in South Africa: The country continues to face high levels of corruption within the public and private sectors, which undermines the rule of law and impedes the government's efforts to achieve its socio-economic development and service-delivery objectives²². This is evidenced by the Transparency International Corruption Perception Index and other corruption-related surveys and reports. According to the Transparency International Corruption Perception Index 2020, South Africa was scored 44, on a scale of 0 (highly corrupt) to 100 (very clean)²³. It is ranked 70 out of 180 countries. South Africa has been struggling to surpass the score of 50 since 2007, as reflected by the graph below²⁴.

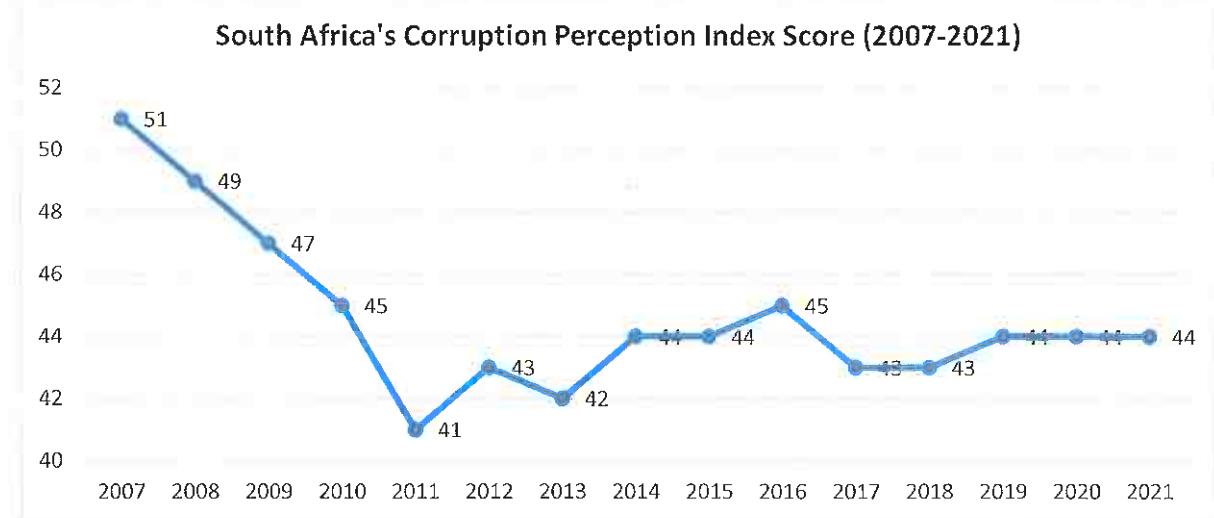


Figure 1: South Africa's Corruptions Perception Index Score

20 Gurnede, W. (2021). South Africa's crisis of lack of accountability. Accessed from: <https://www.news24.com/news24/analysis/william-gurnede-south-africas-crisis-of-lack-of-accountability-20210908>, dated 8 September 2021.

21 Ndletyana, M. (2021). Unrest is being used to subvert South Africa's democracy: giving in is not an option. Accessed from: <https://theconversation.com/unrest-is-being-used-to-subvert-south-africas-democracy-giving-in-is-not-an-option-164499>, dated 10 October 2021. & Hoffman, P. (2021). New anti-corruption body needed: Accountability flies out the window as ANC faction fighting spills on to the streets. Accessed from: <https://www.dailymaverick.co.za/opinionista/2021-07-21-new-anti-corruption-body-needed-accountability-flies-out-the-window-as-anc-faction-fighting-spills-on-to-the-streets/>, dated 10 October 2021.

22 Department of Planning, Monitoring and Evaluation. (2019). Medium-Term Strategic Framework. https://www.dpmme.gov.za/keyfocusareas/outcomesSite/MTSF_2019_2024/2019-2024%20MTSF%20Comprehensive%20Document.pdf, dated 28 February 2022.

23 The Transparency International Corruption Perception Index scores and ranks countries and territories based on how corrupt their respective public sectors are perceived to be. A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean). A country or territory's rank indicates its position relative to the other countries and territories in the index. The perception scoring is based on secondary data (13 surveys of business people and expert assessments).

24 Transparency International. (2021). Corruption Perceptions Index 2021. Accessed from: https://images.transparencycdn.org/images/CPI2021_Report_EN-web.pdf, dated 28 February 2022.

Afrobarometer also periodically conducts surveys on the perception of the levels of corruption in Africa, the latest of which was in 2019. According to the Afrobarometer 2019 survey, 64% of South African citizens who participated in the survey were of the view that corruption increased in the previous 12 months as reflected in the graph below.

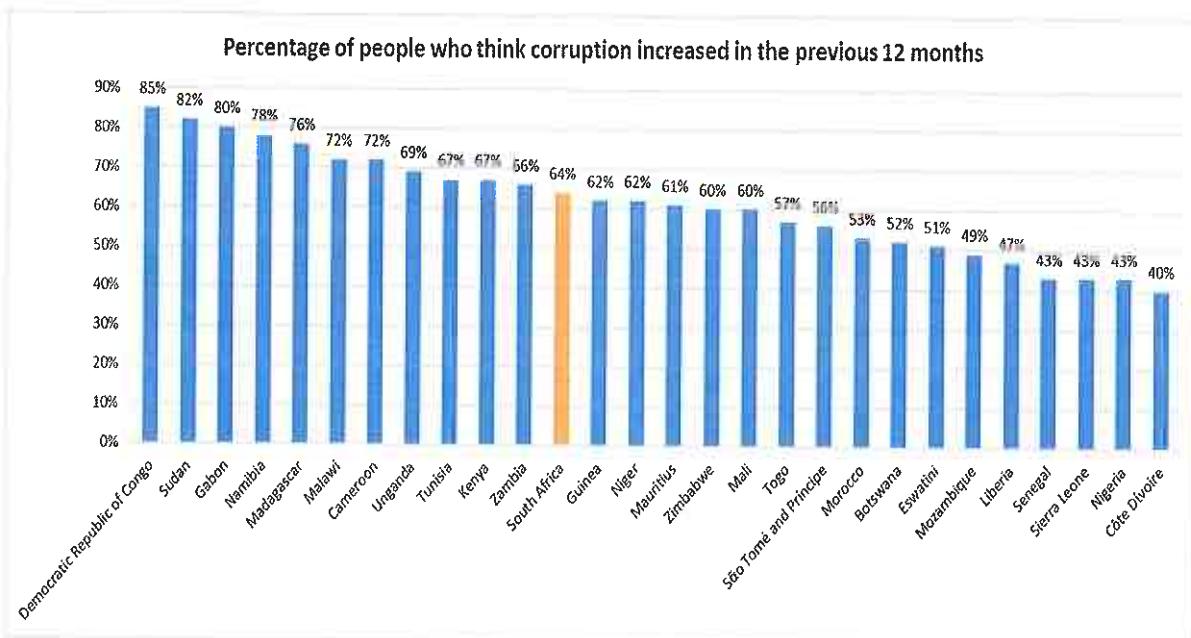


Figure 2: Percentage of people who think corruption increased in the previous 12 months (Afrobarometer, 2019)²⁵

This is a 19-percentage drop from 83% in 2015 as reflected in the graph below.

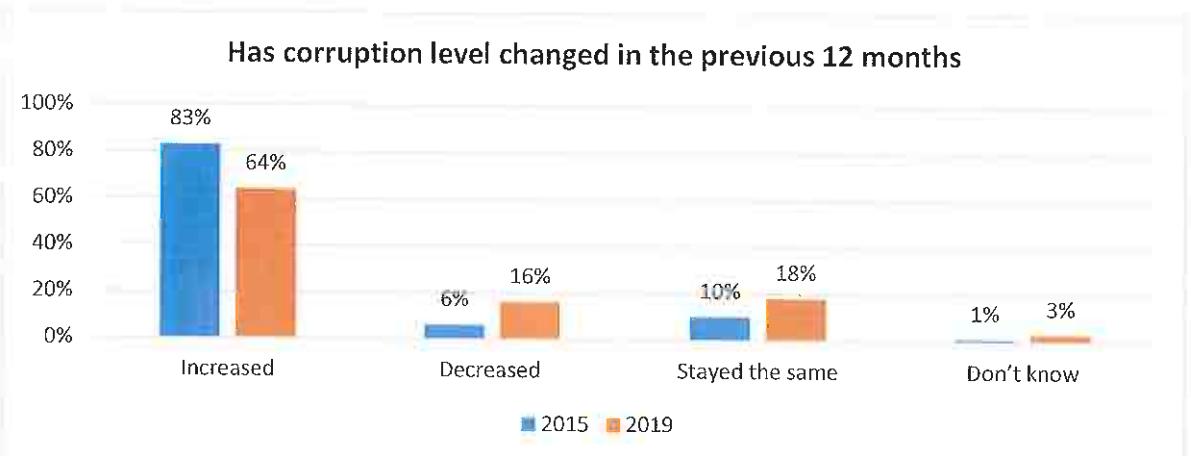


Figure 3: Percentage of SA citizens who think corruption increased in the previous 12 months (Afrobarometer, 2019)²⁶

70% of South African citizens who participated in the survey were of the view that government is doing a bad job of tackling corruption – a 9 percentage point drop from 79% in 2015 as shown below. This

²⁵ Afrobarometer. (2019). Citizens' views and experiences of corruption. Accessed from:

https://afrobarometer.org/sites/default/files/publications/Publications%20conjoints/parlementaires/ab_r7_global_corruption_barometer_report.pdf, dated 19 February 2021.

²⁶ Ibid

seems to suggest that public confidence in government's capacity to fight corruption is returning, albeit slow.

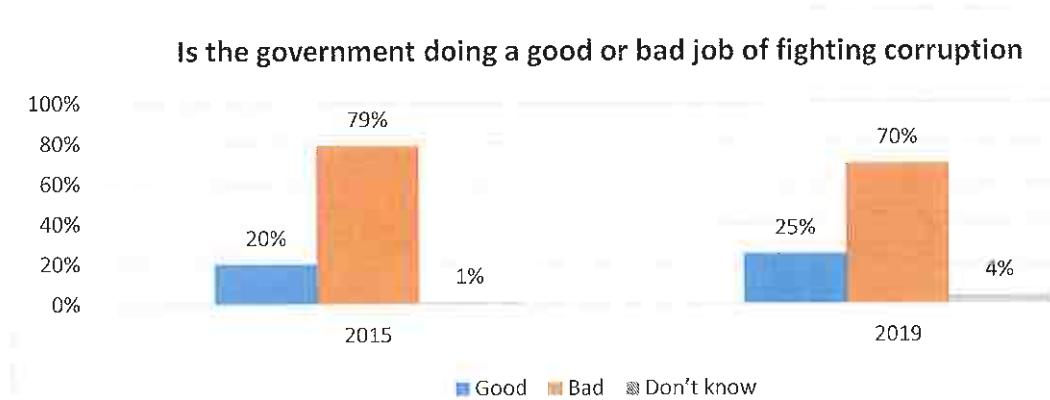


Figure 4: Question on whether SA government is doing a good or bad job of fighting corruption (Afrobarometer, 2019)²⁷

The Corruption Watch, a Civil Society Organisation, has been striving to monitor and track the prevalence of corruption in the country, since 2012, based on whistle-blower reports²⁸. Since its inception in 2012, the Corruption Watch has registered 32 976 whistle-blower reports as reflected in the graph below.

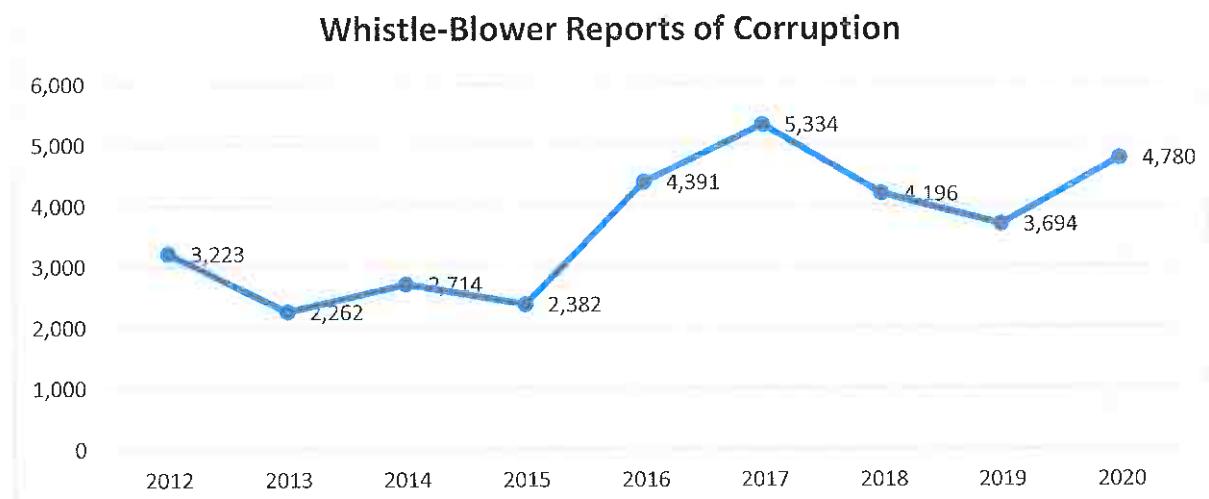


Figure 5: Whistle-Blower Reports of Corruption (Corruption Watch, 2020)

The graph above shows that the number of whistleblower reports increased by 3 072 reports, between 2013 and 2017, which translates to 136%. It then declined by 1 640 or 31% from 5 334 in 2017 to 3 694 in 2019. However, the decline does not necessarily mean that corruption went down; it

²⁷ Ibid

²⁸ Corruption Watch. (2020). Annual Report, 2020. Accessed from: <https://www.corruptionwatch.org.za/wp-content/uploads/2021/05/Corruption-Watch-AR-2020-DBL-PG-20210324.pdf>, dated 28 February 2022.

just reflects the number of whistle-blowers who are aware of the role of the Corruption Watch, who are willing to report the matter to the Corruption Watch, and who have the means to report the matter. In 2020 the number of whistle-blower reports went up again by 1 086 or 29% from 3 694 in 2019 to 4780 in 2020.

Although the scourge of corruption has been dominating the public discourse for some time, all eyes are now on the recent reports of the Zondo Commission of Inquiry²⁹ and how the law enforcement agencies are going to implement recommendations of the Commission. The Commission has been releasing instalments of the report since January 2022.

The Zondo Commission recommendations for NPA can be categorised into three sets of recommendations i.e.:

- i. The NPA should consider prosecuting individuals and/or companies or entities that are implicated in the report on a range of charges,
- ii. The need to recover the proceeds of crime through AFU, and
- iii. NPA should be part of the law enforcement agencies called upon to conduct further investigations to determine whether certain individuals implicated in the report committed certain offences in questions.

In addition to the above three sets of operational recommendations, there are two recommendations that are strategic in nature. Firstly, the President of the Republic is called upon to order a “*re-appraisal of the structure of the NPA to understand the causes and the nature of its institutional weaknesses so that these can be addressed presumably by way of legislative reform. The Commission understands remedial action of this sort requires an in-depth analysis of the internal structure of the NPA and the legislative and constitutional context in which it operates.*” The above recommendation is informed by the Commission’s finding that: “*It is of course well known that for many years the NPA has failed to prosecute cases of corruption, and specifically cases of corruption in the procurement process. The extent of that failure can be measured by reference to the almost complete absence of cases brought under the legislation applicable to crimes of this sort*”. “*The Constitution vests the prosecutorial function in the NPA and therefore the failure of the NPA to have responded adequately, or at all, to the challenges of state capture points to a fundamental failure of a sovereign state function*”. These observations are quite serious. Therefore, the NPA should ready itself for such evaluation in terms of preparing and/or updating databases for corruption cases. The Department of Planning, Monitoring and Evaluation is mandated to ensure that government programmes are regularly evaluated. Therefore, the external evaluation of the NPA in respect of the prosecution of corruption cases is inevitable.

²⁹ Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State.

The second strategic recommendation relates to the need to amend certain existing legislation or introduce new ones. A case in point, the Zond Commission recommended that “*government introduce legislation for the introduction of deferred prosecution agreements by which the prosecution of an accused corporation can be deferred on certain terms and conditions*”, and that such terms and conditions are to be sanctioned by the mooted Tribunal of the Agency. It goes without saying that NPA should monitor and actively participate in the amendment and/or development of proposed legislation especially the legislation on the Deferred Prosecution Agreements.

In its effort to implement the Commission’s recommendation, the NPA in partnership with the Directorate for Priority Crime Investigation has established a Task Force to coordinate the investigation and prosecution of corruption cases flowing from Zondo Commission reports. In addition, the NPA has identified corruption as priority and developed a six months priority implementation plan to coordinate the support for the prosecution of other corruption cases.

The impact of technology: While technology facilitates development and economic growth it also comes with its own kind of criminality such as cyber-attack, with Transnet and DOJ&CD being some of the latest victims of this type of crime³⁰. The adverse effects of cybercrime on the country’s economy, national security and the general wellbeing of citizens should not be underestimated. Cybercrime in general poses problems of jurisdiction and legislation for law enforcement when it comes to transnational crimes³¹. The Cybercrimes Bill has been signed into an Act of Parliament and law by the President on 26 May 2021. In terms of this Act, the National Director of Public Prosecutions is obligated to compile a report on the number and results of cybercrime prosecutions³².

State of Crime and Violence in South Africa: A total of 389 844 counts of Community-Reported Serious Crimes were recorded by the South African Police Service (SAPS) in the third quarter of 2021/22 compared to 359 395 in the first quarter of the same reporting cycle as shown in the figure below. This translates to 8.5% (30 449) increase of the Community-Reported Serious Crimes between quarter one and quarter three of 2021/22.

³⁰ Institute for Security Studies. (2021). Cyber-attacks expose the vulnerability of South Africa’s ports. Accessed from: <https://issafrica.org/iss-today/cyber-attacks-expose-the-vulnerability-of-south-africas-ports>, dated 10 October 2021. & NPA Bulletin. (2021). DOJ ISM Update. Email from internalcommunication@npa.gov.za to all users, dated 14 September 2021.

³¹ Department of Justice and Constitutional Development. 2021. Strategic Plan 2021-2025. <https://www.justice.gov.za/mitsf/dojcd-strat-2021-2025.pdf>

³² Republic of South Africa. (2021). Cybercrimes Act. Accessed from: https://www.gov.za/sites/default/files/gcis_document/202106/44651gon324.pdf, dated 17 February 2022.

Distribution of Broad Crime Category: Quaterley Compariosn

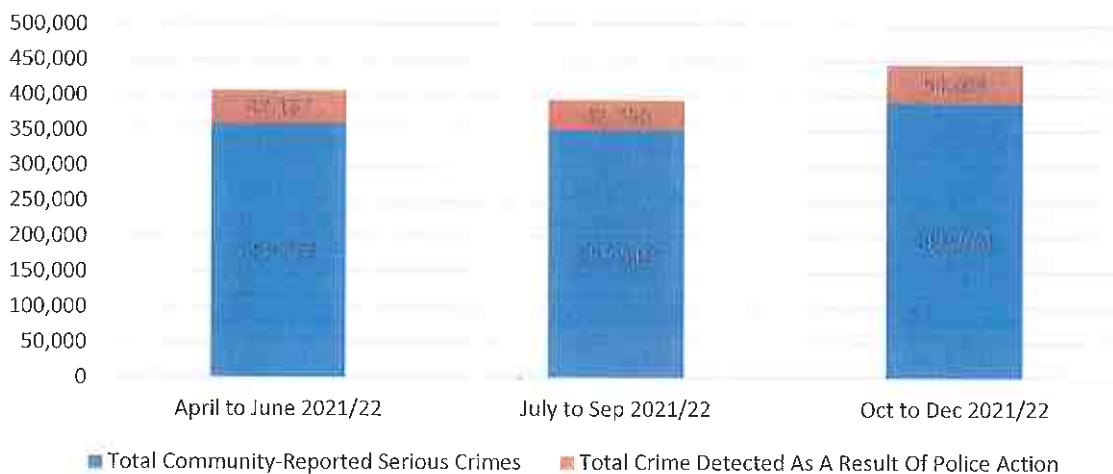


Figure 6: Distribution of Broad Crime Category: Quarterly Comparison

The main driver for the increase in Community-Reported Serious Crimes between quarter one and quarter three of 2021/22 was assault with the intent to inflict grievous bodily harm, which increased by 8 983 (23.9%), followed by common assault and malicious damage to property, which went up by 7 675 (19.5%) and 4 332 (16.5%) respectively, as reflected in the table below.

Crime Category	Quarter	Quarter	Count	% Change
	One	Three	Diff	
Assault with the intent to inflict grievous bodily harm	37 530	46 513	8 983	23.9%
Common assault	39 406	47 081	7 675	19.5%
Malicious damage to property	26 326	30 658	4 332	16.5%
All theft not mentioned elsewhere	60 056	64 214	4 158	6.9%
Commercial crime	24 030	27 155	3 125	13.0%
Rape	10 006	11 315	1 309	13.1%
Murder	5 760	6 859	1 099	19.1%

Table 1: Main drivers for the increase in Community-Reported Serious Crimes between quarter one and quarter three

However, a quarterly comparison of the third quarters (over a five-year period) shows that the number Community Reported Serious Crimes went down by 11.5% from 440 370 in 2017/18 to 389 844 in 2021/22 during the same period (October - December), as reflected in the figure below.



Figure 7: Total Community Reported Serious Crimes: Comparison of Third Quarters

The decline during 2020/21 and 2021/22 is attributed to Covid-19 related lockdown as the country was in varied levels of lockdown for the past two years (**see the section on the impact of coronavirus, below**).

The graph below portrays the top 15 crime types reported to the police between the first quarter and third quarter of 2021/22 (April - December) of 2021/22. In terms of the graph below, the most prevalent crime type is 'theft not mentioned elsewhere', followed by common assault and assault with the intent to inflict grievous bodily harm, respectively. It is also important to note that while the top 15 crime types are just half of all crime types, they constitute 93% of all crime counts (1 099 758) reported to the police between the first quarter and third quarter of 2021/22. It would therefore make sense to target the top 15 crime types in order to reduce the sense of the prevalence of crime in the country.

Top 15 Crime Type of Crimes Reported to the Police, April to December 2021

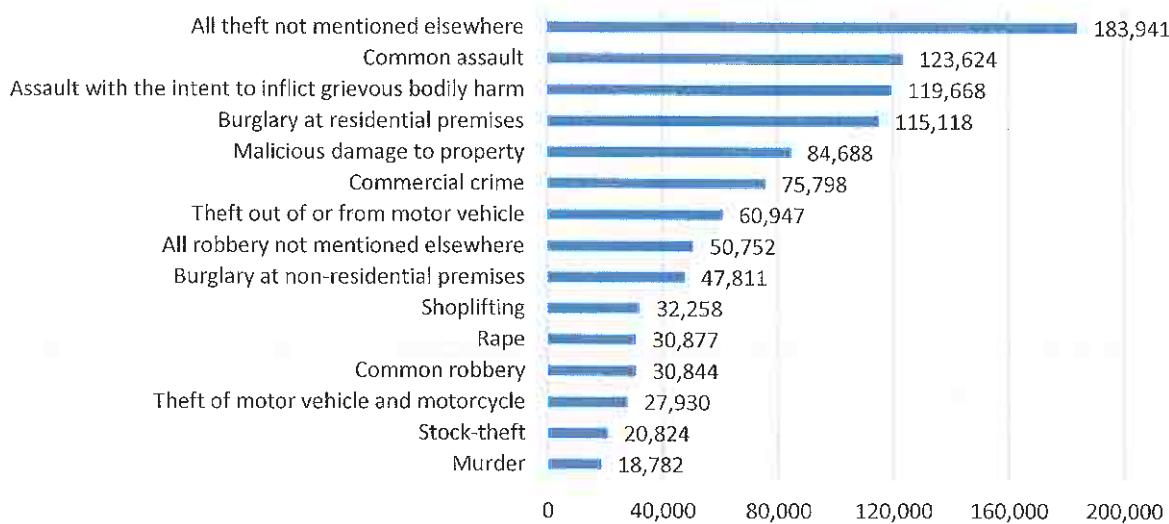


Figure 8: Top 15 Crime Type of Crimes Reported to the Police, April to December 2021

Furthermore, the graph below portrays the profile of crime in terms of the type of offence instead of the traditional crime categories i.e., contact crime, property-related crime etc.

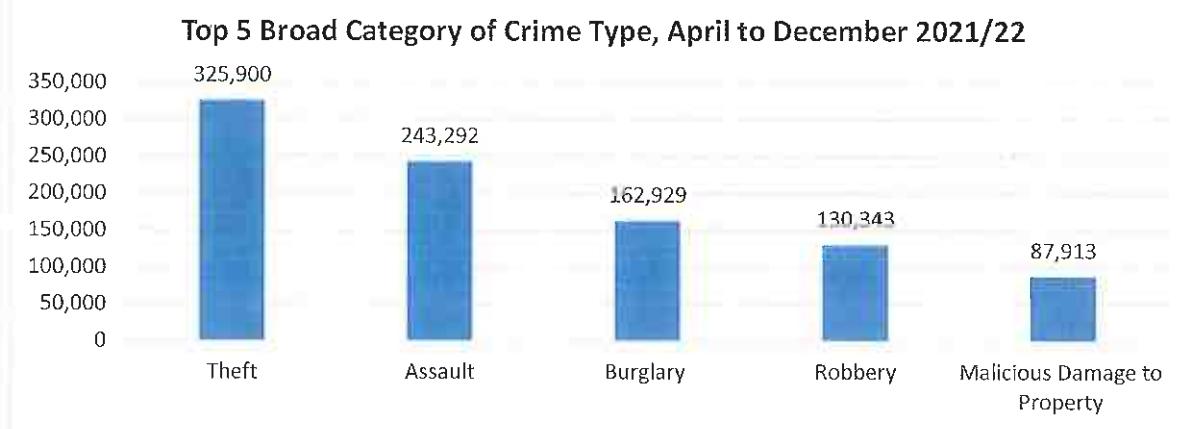


Figure 9: Top 5 Broad Category of Crime Type, April to December 2021/22

The graph above shows that the theft category³³ was the most prevalent crime reported to police between the first quarter and third quarter (April - December) of 2021/22 followed by the assault category³⁴. It is also imperative to note that these two top categories constitute 86% of the total crime counts (1 099 758) reported to the police.

Although murder and rape may not be as prevalent as theft and assault, they are the most heinous types of crime and, therefore, warrant special attention. The graph below portrays murder trend over three-quarter period of 2021/22.

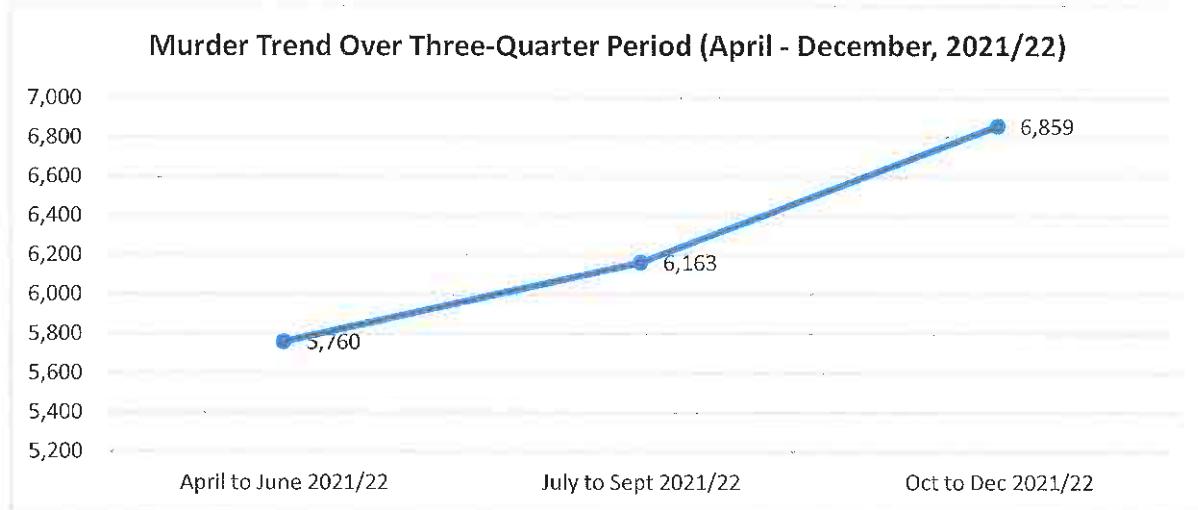


Figure 10: Murder Trend Over Three-Quarter Period (April - December 2021/22)

³³ Theft category represents 'all theft not mentioned elsewhere', theft out of or from motor vehicle, shoplifting, theft of motor vehicle and stock-theft.

³⁴ Assault category represents common assault and assault with the intent to inflict grievous bodily harm whereas Malicious Damage to Properly category includes Arson.

As shown in the graph above, murder increased by 19.1% from 5 760 in the first quarter to 6 859 in the third quarter of 2021/22. Put differently, 75 people were murdered per day in the third quarter of 2021/22 compared to 63 people murdered per day in the first quarter. The most common causative factor for murder is arguments or misunderstanding (not domestic-related), road rage or provocation, followed by vigilantism or mob justice and robbery, respectively, as reflected in the table below³⁵.

Causative Factors for Murder, October – December 2021/22	
Causative Factor	Counts of Murder
Arguments/Misunderstanding (not domestic-related)/Road Rage/Provocation	1 151
Vigilantism/Mob justice	357
Robbery	345
Retaliation/Revenge/Punishment	302
Gang-related	114

Table 2: Causative Factors for Murder, October – December 2021/22

Rape, on the other hand, is said to have increased by 13.1% from 10 006 in the first quarter to 11 315 in the third quarter of 2021/22.

Rape Trend Over Three-Quarter Period (April - December, 2021/22)

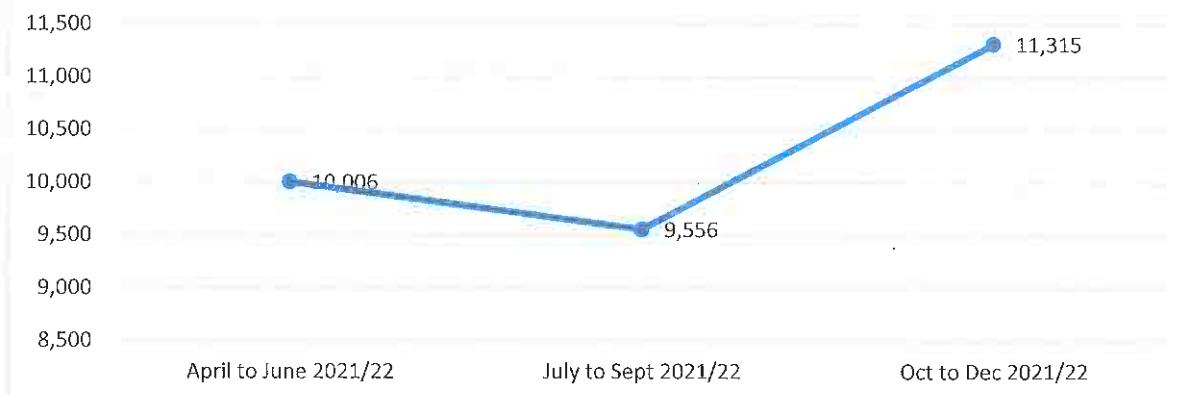


Figure 11: Rape Trend Over Three-Quarter Period (April - December 2021/22)

Expressed in terms of the number of rape-counts per day, 110 people (mostly women and children) were raped per day in the first quarter of 2021/22 while 123 people were raped per day in third quarter of the same reporting cycle.

Likewise, although not the most prevalent, trio crimes remain a priority for government. The graph below shows that trio crimes increased by 3.8% (606) from 15 747 in the first quarter to 16 353 in the third quarter.

³⁵ This based on the sample size of 5 402 counts of murder (South African Police Service, 2022. Police Recorded Crime Statistics: Third Quarter of 2021/22 financial year).

Trio Crimes Trend Over Three-Quarter Period (April-December, 2021/22)



Figure 12: Trio Crimes Trend Over Three-Quarter Period (April-December 2021/22)

The main driver for the increase in trio crimes was robbery at residential premises, which increased by 7.7% (414) between the first quarter and third quarter of 2021/22, followed by carjacking (6% or 309) while robbery at non-residential premises decreased by -2.2% (-117) during the same period.

The Global Organised Crime Index, 2021³⁶: The Global Organised Crime Index³⁷ provides an assessment of the pervasiveness of criminal markets, the dynamics of criminal actors, and of countries' effectiveness in establishing the defence mechanisms and responses needed to ensure operational resilience to organised crime. The Index evaluates states' according to two metrics, i.e.:

- i. according to their criminality on a score from 1 to 10 (lowest to highest organised crime levels), which in turn is based on their criminal markets score and criminal actors' score; and
- ii. according to their resilience to organised crime, from 1 to 10 (lowest to highest resilience levels)³⁸.

As reflected in the table below, South Africa scores 6.63 on the criminality score, which is the 19th highest out of 193 countries analysed.

³⁶ A summary by Innovation and Policy Support Office.

³⁷ The Global Initiative Against Transnational Organized Crime is a network of over 500 independent global and regional experts working on human rights, democracy, governance, and development issues where organised crime has become increasingly pertinent. Its network members include law-enforcement, governance and development practitioners seeking new and innovative strategies and responses to organised crime. On 28 September 2021, the Global Initiative launched the Global Organized Crime Index, a tool designed to assess levels of organised crime and resilience to organised criminal activity. It includes in its rankings all 193 United Nations member states. The results, which draw from a comprehensive dataset informed by subject-matter experts, reveal the reach, scale and impact of organised crime.

³⁸ The Index's resilience measure is composed of four themes (**bolded**) and 12 indicators: Leadership and governance (Political leadership & governance, Government transparency & accountability, International cooperation, National policies & laws); Criminal justice and security (Judicial system & detention, Law enforcement, Territorial integrity); Economic and financial (Anti-money laundering, Economic regulatory capacity); Civil society and social protection (Victim and witness support, Prevention, Non-state actors).

Geographical Area	Criminality	Criminal Markets	Criminal Actors	Resilience
South Africa	6.63	6.30	7.25	5.79
Southern Africa	4.68	4.43	4.92	4.10
Africa	5.17	4.94	5.40	5.85
World	4.87	4.65	5.09	4.82

Table 3: Criminality score, SA in regional and global perspective

South Africa scores poorly on the criminality score (6.63) when compared to Southern Africa (4.68), Africa (5.17) as a whole, and the global mean (4.87). At 6.00, South Africa's criminal market score ranks as the 33rd highest globally. South Africa's criminal actor score of 7.25 is ranked the 16th highest globally.

South Africa's criminal market scores are particularly high in respect of arms trafficking, fauna crimes, non-renewable resource crimes, the heroin and cocaine trades, and synthetic drug trade, as reflected in the table below.

Criminal Market	South Africa	Southern Africa	Africa	World
Human trafficking	4.50	4.54	5.93	5.58
Human smuggling	4.00	3.54	4.85	4.77
Arms trafficking	6.00	4.04	5.56	4.92
Flora crimes	3.50	4.38	4.73	3.88
Fauna crimes	7.00	5.35	5.39	4.63
Non-renewable resource crimes	7.00	4.81	5.44	4.51
Heroin trade	7.00	5.15	3.81	3.97
Cocaine trade	6.00	3.46	4.10	4.52
Cannabis trade	3.50	4.54	5.26	5.10
Synthetic drug trade	6.00	4.54	4.34	4.62

Table 4: Criminal Market, SA in regional and global perspective

South Africa's resilience score is 5.79, the 42nd highest out of 193 countries. This means South Africa is high in terms of both criminality (6.63) and resilience (5.79), which, in turn, means that South Africa has high levels of criminality but has also developed robust frameworks and mechanisms to counter organised crime. Only nine countries fall into this category, namely Colombia, Ecuador, France, Italy, Malaysia, Nigeria, South Africa, Spain, and United States of America. The majority are among the economic powerhouses in their respective regions.

The South African Struggle Against Gender-Based Violence and Femicide: South Africa has one of the highest rates of violence against women in the world³⁹ and continues to wrestle with the stubborn challenge of Gender-Based Violence and Femicide (GBVF)⁴⁰. The rates of GBVF in South Africa are at a crisis level. As indicated above, SAPS reported that 11 315 people, most of whom were women, were raped in the third quarter of 2021/22. This is a 13.1% increase from the first quarter⁴¹. This is despite the fact that rape is believed to be underreported for various reasons⁴².

Furthermore, the number of women who were murdered increased by 0.6% from 897 in the second quarter to 902 in the third quarter of 2021/22 while the number of children murdered increased by 22.6% from 287 in the second quarter to 352 in the third quarter.

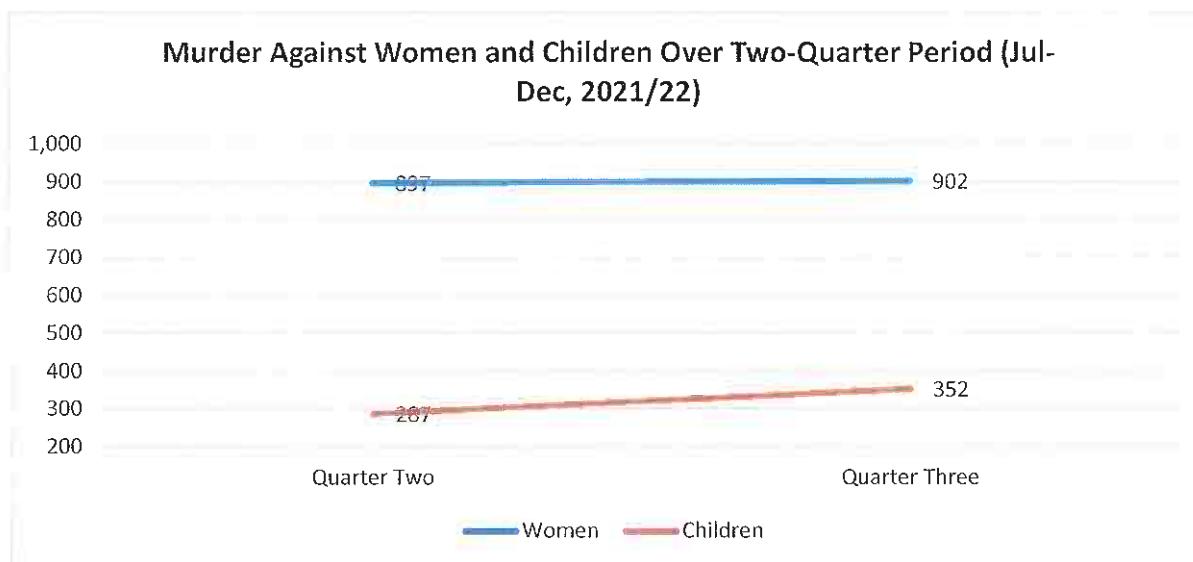


Figure 13: Murder Against Women and Children Over Two-Quarter Period (Jul-Dec 2021/22)

In terms of the assault GBH, the number of assaults GHB against women increased by 33% from 11 824 in the second quarter to 15 692 in the third quarter of 2021/22. On the other hand, the number of assaults GHB against children went up by 23% from 1 670 in the second quarter to 2 048 in the third quarter.

39 World Health Organization (WHO). (2012). Understanding and addressing violence against women: Femicide. Accessed from: https://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf, dated 28 February 2022.

40 Republic of South Africa. (2021). Overview of National Strategic Plan on Gender-Based Violence and Femicide Roll-out: Year 1 Report, 1 May 2020 – 30 April 2021. Accessed from: https://www.gov.za/sites/default/files/gcis_document/202108/nsp-gbv-year-1-rollout-report-2020-2021-final-version-web.pdf, dated 28 February 2022.

41 South African Police Service (SAPS). (2022). Police Recorded Crime Statistics: Third Quarter of 2021/22 financial year. Accessed from: https://www.saps.gov.za/services/downloads/third_quarter_presentation_2021_2022.pdf, dated 28 February 2022.

42 Civilian Secretariat for Police. (Unknown year). Policy on reducing barriers to the reporting of sexual offences and domestic violence. Unpublished document. Email from Bradley Smith (bsmith@npa.gov.za) to Thomas Tshilowa (tshilowa@npa.gov.za), dated 26 October 2016.

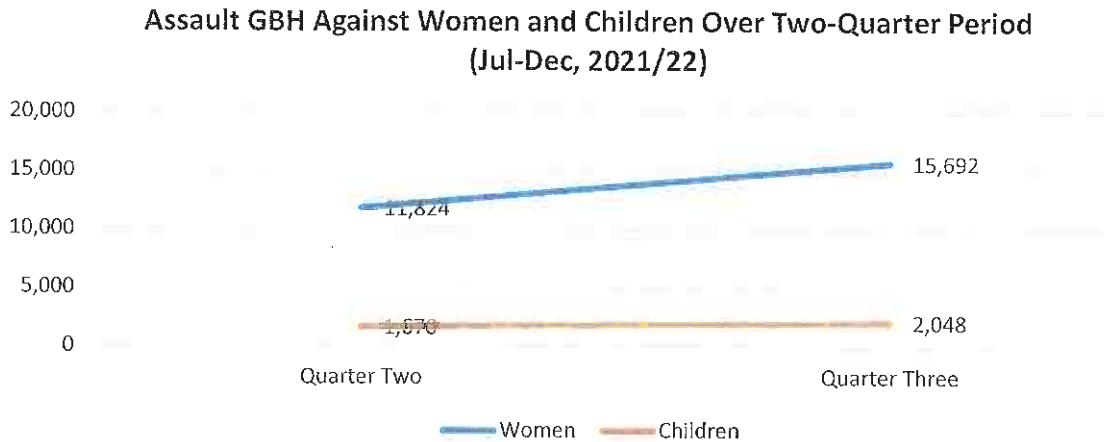


Figure 14: Assault GBH Against Women and Children Over Two-Quarter Period (Jul-Dec 2021/22)

The GBVF crisis was further exacerbated by the Covid-19 related lockdown measures⁴³. The strict lockdown measures meant that women could not escape abusive partners or leave their homes to report the abuse, seek help, and protection⁴⁴.

The Governance, Public Safety, and Justice Survey⁴⁵, 2020/21 found that majority of South African citizens are of the view that Gender-Based Violence (GBV) has either increased or stayed the same⁴⁶. Very few people believe that GBV has decreased as reflected in the graph below.

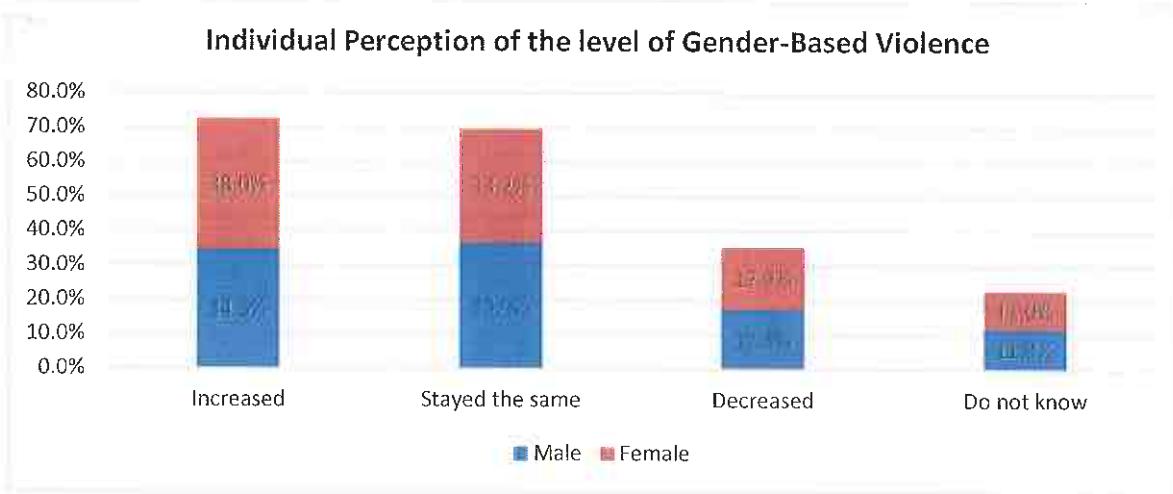


Figure 15: Individuals' Perception of the level of Gender-Based Violence

⁴³ World Health Organization (WHO). (2020). COVID-19 and violence against women: What the health sector/system can do. Accessed from: <https://apps.who.int/iris/bitstream/handle/10665/331699/WHO-SRH-20.04-eng.pdf?ua=1>, dated 28 February 2022.

⁴⁴ UNHCR. 2020. Gender-based violence on the rise during lockdowns. <https://www.unhcr.org/news/stories/2020/11/5fbde2e774/gender-based-violence-rise-during-lockdowns.html>, dated 28 February 2022.

⁴⁵ The Governance, Public Safety, and Justice Survey is an updated version of the previous long-running Victims of Crime Survey designed to include themes on governance (Statistics South Africa, 2022).

⁴⁶ Statistics South Africa. (2022). Governance, Public Safety, and Justice Survey.

The Survey also found that the three leading groups of perpetrators of acts of GBV are known to the victim. These are spouse or intimate partner, previous partner and relative or family member that is not part of the household. Addictions or substance/alcohol abuse was identified as the leading cause of violence against women and children, followed by financial stress, unemployment, and relationship/family/marital issues⁴⁷.

In an effort to battle this crisis, the government has introduced a number of policy interventions, the latest being the National Strategic Plan on Gender-Based Violence and Femicide. The strategy seeks to “*address the needs and challenges faced by all, especially women across age, sexual orientation, sexual and gender identities; and specific groups such as elderly women, women who live with a disability, migrant women and trans women, affected and impacted by the gender-based violence scourge in South Africa*”⁴⁸. President Cyril Ramaphosa has also signed into law the following legislation to strengthen the fight against GBVF⁴⁹:

- i. Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act 13 of 2021).
- ii. Criminal and Related Matters Amendment Act, 2021 (Act 12 of 2021), and
- iii. Domestic Violence Amendment Act, 2021 (Act 14 of 2021).

These pieces of legislation aim “*to address Gender-Based Violence and offences committed against vulnerable persons and provides for additional procedures to reduce secondary victimisation of vulnerable persons in court proceedings*”⁵⁰. It also gives expression to victim-centred service delivery model.

However, while government is good in crafting policy interventions, it seems to struggle with the implementation of those interventions, at times. SAPS and the NPA have therefore been put under unprecedented expectation to ensure that GBV victims and survivors are urgently responded to and have a broadened and holistic access to justice⁵¹.

⁴⁷ Statistics South Africa. (2022). Governance, Public Safety, and Justice Survey.

⁴⁸ Republic of South Africa. (2020). National Strategic Plan on Gender-Based Violence & Femicide: Human Dignity and Healing, Safety, Freedom & Equality in our Lifetime. Accessed from: <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf>, dated 10 October 2021.

⁴⁹ The Presidency: Republic of South Africa. (2022). President assents to laws that strengthen fight against Gender-Based Violence. Accessed: <https://www.presidency.gov.za/press-statements/president-assents-laws-strengthen-fight-against-gender-based-violence>, dated 28 February 2022.

⁵⁰ The Presidency: Republic of South Africa. (2022). President assents to laws that strengthen fight against Gender-Based Violence. Accessed: <https://www.presidency.gov.za/press-statements/president-assents-laws-strengthen-fight-against-gender-based-violence>, dated 28 February 2022.

⁵¹ Republic of South Africa. (2020). National Strategic Plan on Gender-Based Violence & Femicide: Human Dignity and Healing, Safety, Freedom & Equality in our Lifetime. Accessed from: <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf>, dated 10 October 2021.

4.2 Internal Environment Analysis

Victim-Centred Prosecution Model: There has been a worldwide effort to focus the attention of the criminal justice system more directly on the needs of the victims of crime⁵². In South Africa, this effort is supported through various policy frameworks, including the Service Charter for Victims of Crime and the Victim Support Services Bill⁵³, among others. The Charter places responsibility on the NPA to “uphold crime victims’ rights to fair treatment, information, assistance, protection, compensation and restitution”⁵⁴, among others. Clause 18 of the Victim Support Services Bill outlines the responsibilities of the NPA pertaining to “structured communication and victim support in the prosecution processes” while Clause 36 “creates an obligation for the NPA to ensure the management of Thuthuzela Care Centres to ensure the provision of adequate victim support services”.

In 2020/21 the NPA in partnership with the University of Cape Town’s Gender, Health, and Justice Research Unit⁵⁵ embarked on a study to explore ways in which the NPA can achieve victim-centred services for victims of crime and witnesses⁵⁶. The Thuthuzela Care Centre model and ‘Ke Bona Lesedi’ Court Preparation Programme were highlighted as strengths of the NPA for victim-centred prosecution model. However, the study also made the following findings that require consideration by the NPA:

- i. The footprint of both the Thuthuzela Care Centre model and Court Preparation Programme is still too low to cater for the victims of crime especially the vulnerable group of victims. NPA should consider working on expanding these programmes throughout the country.
- ii. There is poor communication between prosecutors and victims or their representative support structures about the progress of their cases. Notwithstanding the workload, prosecutors are required to inform victims of crime about the progress of their cases throughout the lifespan of the case.
- iii. NPA’s current merit system was identified as a factor that encourages prosecutors to be less responsive to victims, more focused on case throughput rather than outcomes. By this account, NPA should consider designing performance indicator(s) on victim experiences or regularly measure victim experiences through surveys. For this purpose, the study suggested performance indicators such as number of consultations and time spent with victims, etc. The soundness of these indicators may be debatable, but the point is that the NPA should consider introducing performance measures for the treatment of victims.

52 Marson, J. (2015). The history of punishment: What works for State Crime? <https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=1127&context=hilltopreview>

53 As published for public comment in the Government Gazette, 43528 dated 17 July 2020.

54 Department of Justice and Constitutional Development, Service Charter for the Victims of Crime in South Africa, www.westerncape.gov.za/text/2018/November/service_charter_for_victims_of_crime_in_south_africa.pdf

55 The GHJRU is a multidisciplinary research unit based at the University of Cape Town and accredited by the University’s Research Council.

56 Gender, Health and Justice Research Unit. (2021). Strengthening victim-centred prosecutions: Vulnerable victims and victims of Sexual and Gender-Based Violence. Research commissioned for the NPA.

- iv. The study also emphasised the need for an accountability mechanism or function through which victims would have an effective complaints mechanism should they want to contest their treatment or decisions taken. This is soon to be realised through the establishment of the Office for Ethics and Accountability.

The Impact of Coronavirus: The Covid-19 pandemic has wreaked havoc across the globe for almost two years. Since the outbreak of Covid-19 virus, over 400 million people have been infected and almost six million lives have been lost worldwide⁵⁷ as at 28 February 2022. In South-Africa, 3.7 million people have been infected while over 99 000 people have died of COVID-19 during the same period⁵⁸.

On the other hand, as at 24 February 2022, 27%⁵⁹ (1 262) of NPA officials have contracted the virus, with 22 having lost their lives⁶⁰. In terms of the office distribution of the COVID-19 cases the graph below shows that KwaZulu-Natal office had a high number of officials who contracted the virus followed by Eastern Cape and North Gauteng respectively.

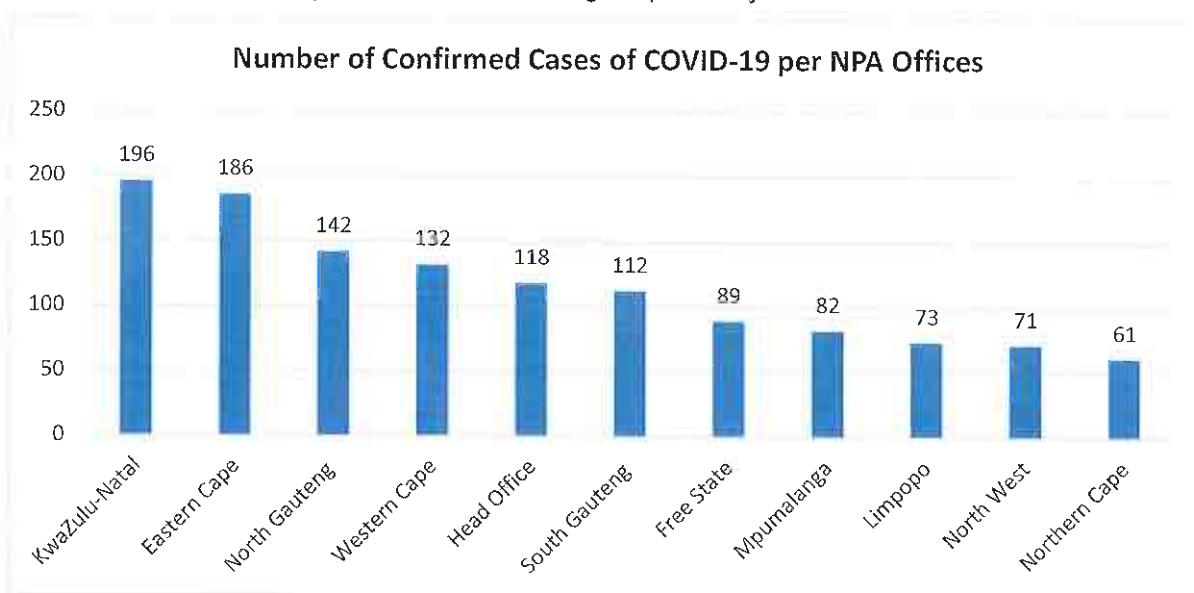


Figure 16: Number of Confirmed Cases of COVID-19 per NPA Offices as at 24 February 2022
(Source: NPA)

Although, the vaccine rollout has received mixed reactions in South Africa⁶¹, the National Department of Health reported that more than 31 million COVID-19 vaccines have been administered, as of 28

⁵⁷ World Health Organisation. (2021). Coronavirus disease (COVID-19) pandemic. Accessed from: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/guidelines-for-transportation-of-patients-with-suspected-or-confirmed-covid-19>, date 1 March 2022.

⁵⁸ National Institute for Communicable Diseases. (2021). Latest confirmed cases of COVID-19 in South Africa (6 Feb 2021). Accessed from: <https://www.nicd.ac.za/latest-confirmed-cases-of-covid-19-in-south-africa-6-feb-2021/>, dated 6 February 2020.

⁵⁹ This was calculated using the NPA Staff Establishment figure of 4 696 as at 31 December 2022.

⁶⁰ Today's COVID-19 Statistics. Email from Internal Communication to All NPA Users, 24 February 2022.

⁶¹ Cooper, S., van Rooyen, H. and Wiysonge, C. 2021. COVID-19 vaccine hesitancy in South Africa: how can we maximize uptake of COVID-19 vaccines? Accessed from: <https://www.tandfonline.com/doi/full/10.1080/14760584.2021.1949291>

February 2022⁶². The roll-out of the COVID-19 vaccines have resulted in several adjustments to the lockdown regulations, which saw slow but steady return of normalcy to people's livelihoods⁶³.

Covid-19 and the consequent lockdown measures derailed the plans of the NPA, resulting in a less than satisfactory performance, especially during the 2020/21 reporting period as investigations, consultations and trials were hampered⁶⁴. During this period (2020/21) the NPA only achieved 50% (7 out of 14) of its performance targets. With the slow and steady return to normalcy, the NPA has seen a marked improvement in the performance in the current reporting period (2021/22), with 69% of the targets achieved, as of 31 October 2022⁶⁵.

NPA Initiatives: In 2019, the NPA decided to resuscitate the Community Prosecution Initiative. Thus far, 23 community prosecution sites have been established, focusing on a variety of public safety issues including gender-based violence (GBV), drug-related offences and stock theft. Although this initiative is one of the "good stories to tell" for the NPA, it is not without challenges. One of the key challenges that threaten the success of the Initiative, in the long run, is the lack of budget to run the initiative.

As part of rebuilding the credibility of the organisation, the NPA is in the process of establishing an Office for Ethics and Accountability as specified in section 22(5)⁶⁶ of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998). The establishment of the OCE is at an advanced stage, and it is highly likely that the task will be completed by the set date of 30 November 2021.

IPSO is a brainchild of the National Director of Public Prosecutions and enjoys the support of the NPA Executive Committee. It "*provides ongoing and cutting-edge research and strategic support to the NPA*"⁶⁷. However, the understanding was that the capacity of this office will be increased and fortified over time but instead it is dwindling. The NPA leadership should follow up on its decision to capacitate IPSO.

⁶² Department of Health. (2022). Update on Covid-19 (Monday 28 February 2022). Accessed from: <https://sacoronavirus.co.za/2022/02/28/update-on-covid-19-monday-28-february-2022/>, dated 1 March 2022.

⁶³ Cabinet statement: Cabinet approves several changes to the Adjusted Alert Level 1 COVID-19 regulations. Accessed from: <https://www.gov.za/speeches/cabinet-approves-several-changes-adjusted-alert-level-1-covid-19-regulations-30-dec-2021>, dated 30 December 2021

⁶⁴ National Prosecuting Authority. (2021). Presentation on the Overview of NDPP and PFMA Annual Report 2020/21 and 2021/22 year-to-date Performance.

⁶⁵ National Prosecuting Authority. (2021). Presentation on the Overview of NDPP and PFMA Annual Report 2020/21 and 2021/22 year-to-date Performance.

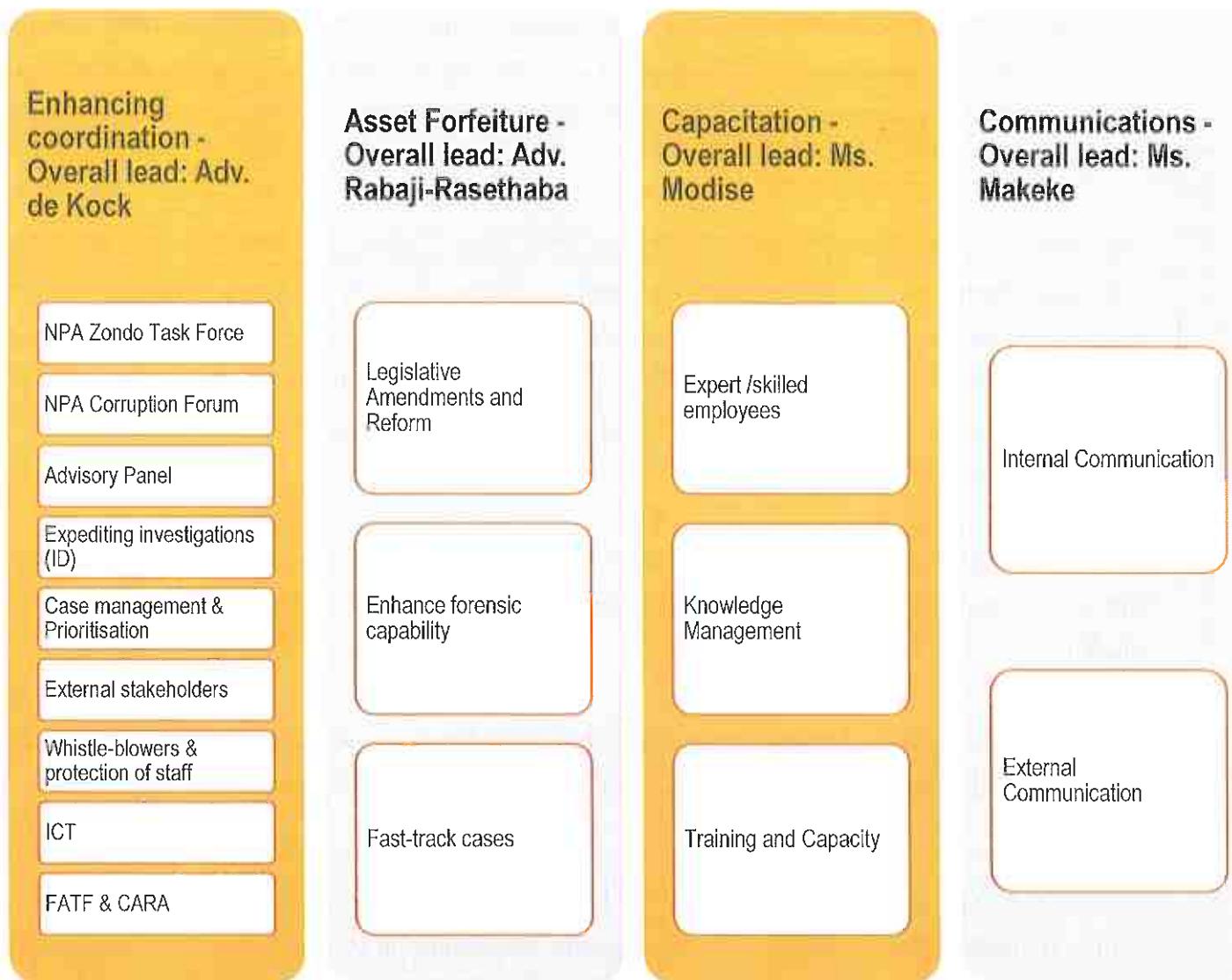
⁶⁶ Section 22(5) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998)

provides for the creation a "structure, by regulation, in terms of which any person may report to such structure any complaint or any alleged improper conduct or any conduct which has resulted in any impropriety or prejudice on the part of a member of the prosecuting authority". However, it imperative to note that the envisaged structure would not only deal complaints but would also be responsible for ethics promotion and advocacy.

⁶⁷ National Prosecuting Authority. (2021: 16). Annual Report 2020/21.

5 Six Months Priority Initiatives Implementation Plan

The National Prosecuting Authority has embarked on six months priority implementation plan, which seeks to institutionalise compact driven planning, with enhanced focus on short-term impactful priority and focus areas. Below is high-level outline of the 2022-2023 six months priority which is centred on NPA's enhanced efforts against corruption:



Part C: MEASURING OUR PERFORMANCE

6 Institutional Programme Performance Information

Crime and violence are pervasive in South Africa. The 2021/22 quarterly crime statistics provide gloom reading regarding the prevalence of crime and the state of public safety in South Africa. The murder rate has not only increased over the past five years, but the country saw a 7% increase over a 3-month period (July-September 2021). There are also high rates of assault, rape, other contact crime,⁶⁸ contact-related crime,⁶⁹ and serious crime.⁷⁰ With these unacceptably high levels of crime, few people feel safe and even fewer people believe that the government has the crime situation under control.

The NPA occupies a strategic position within the JCPS cluster, being one of the critical pillars in the CJS value chain. The organisation, as a key driver in creating a safer South Africa, aims to contribute to increased access to justice, to speedy justice and an improvement in service delivery by increasing operational efficiency. The NPA also strives to elevate victims to their rightful position in the criminal justice process by adopting a victim-centred approach through measurable improvements in service delivery to victims of crime.

In the ever-changing and dynamic environment within which the NPA operates, it is imperative that the NPA continuously strives to ascertain pro-active and innovative ways to deal with the prosecution of crime.

The main outcome of the NPA's performance is to ensure that crime and corruption are significantly reduced through effective prosecution and ensuring that profit is removed from crime

The COVID-19 pandemic continued to hamper optimal performance during the current financial year, with movement restrictions and serious disruption to the functioning of the court system. Despite the COVID-19 challenges, great strides were made to ensure that high conviction rates were maintained and improved on in all court forums over the year. The courts succeeded in upholding the focus placed on quality prosecutions in many spheres through high conviction rates. The High Courts obtained a 91,2% conviction rate, the Regional Courts 80,7% and the District Courts 94%. Case finalisation improved in all three court fora, however still below the case finalisation norm before COVID-19.

⁶⁸ Attempted murder, sexual offences, common assault and robbery.

⁶⁹ Arson, malicious damage to property.

⁷⁰ Commercial crime, shoplifting, theft, aggravated robbery (including hijackings, robbery at residences, cash-in-transit heists and bank robberies).

President Cyril Ramaphosa declared gender-based violence a second pandemic which South Africans had to contend with, based on the prevalence and extent of this crime type. In accordance with Presidential directives, the courts therefore continued to put special emphasis on the conviction of sexual offences matters. The conviction rate of 74% for sexual offences at the end of December 2021, as well as the 27 375 matters reported at TCC sites (with a 76,3% conviction rate for TCC reported cases), reflect a firm commitment to deliver justice for the most vulnerable members of society – the victims of sexual offences and gender-based violence. However, much more needs to be done to address this scourge.

In the last MTSF period (2014-2019), the NPA achieved all its corruption targets. In addition, at the end of February 2022 (for the 2020/2021 period), 126 persons were convicted of private sector corruption and 88 government officials were convicted of corruption and/or related offences. The fight against corruption is a key priority in the current MTSF period (2019-2024) in ensuring social cohesion and safe communities, as well as for the NPA in the current Strategic Plan. Interventions to address any performance challenges will be implemented to address serious complex corruption cases.

The AFU is a critical part of the state's arsenal against the scourge of corruption and has delivered significant returns in the past five years. However, the AFU is still grappling with the challenges accompanying the conviction-based targets, with recoveries relating to corruption to the value of R2.16 million obtained at the end of December 2021. As a result of the AFU and ID working collaboratively on several prioritised cases, freezing orders for corruption or offences relating to corruption to the value of R1.67 billion were obtained. A further analysis of the performance will be done, and interventions implemented to ensure that performance is significantly improved.

The OWP has maintained its outstanding performance record, ensuring that no witnesses and related persons have been threatened or killed while on the witness protection programme.

7 Programme Name

The **National Prosecuting Authority (NPA)** is Programme 4 of the budget vote of the Department of Justice and Constitutional Development (DoJ&CD) and supports the efforts of the DoJ&CD to improve, modernise, strengthen, and focus on achieving the outputs and outcomes of the work of the Criminal Justice System (CJS).

7.1 Programme Purpose

The National Prosecuting Authority was established in terms of section 179 of the Constitution of the Republic of South Africa. The duties and powers of the prosecuting authority as outlined in the constitution are to:-

- *institute and conduct criminal proceedings on behalf of the State;*
- *carry out any necessary functions incidental to instituting and conducting such criminal proceedings; and*
- *discontinue criminal proceedings.*

The NPA bears the responsibility of providing a coordinated prosecuting service that ensures justice is delivered to the victims of crime through general and specialised prosecutions; removes the profit from crime; and protects certain witnesses.

7.2 Programme Outputs

There are five (5) sub-programmes in the NPA:

National Prosecutions Service (NPS): Primarily responsible for general and specialised prosecutions and appeals that might follow, which include resolving criminal matters outside of the formal trial process through alternative dispute resolution mechanisms, settling admissions of guilt for minor offences and considering dockets brought by the police where persons have not been charged. This sub-programme further deals with priority crime litigation⁷¹, sexual offences and community affairs, and specialised commercial crime.

Asset Forfeiture Unit (AFU): Seizes assets that are the proceeds of crime or have been part of the offence through a criminal or civil process.

⁷¹ Priority Crime Litigation is a unit mandated to manage and direct the investigation and prosecution of the crimes contemplated in the implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), and serious national and international crimes, which includes acts of terrorism and sabotage committed under the Internal Security Act, 1982 (Act No. 74 of 1982), high treason, sedition, foreign military crimes committed by mercenaries, or such other priority crimes and related as determined by the National Director.

Office for Witness Protection (OWP): Provides for protection, support and related services to vulnerable, intimidated witnesses and related persons in judicial proceedings in terms of the Witness Protection Act (1998).

Investigating Directorate (ID): as a dedicated project, will investigate and prosecute identified serious, complex and high-profile corruption and related cases, falling within its mandate (including those identified in the Judicial Commission of Inquiry into Allegations of State Capture, also known as the Zondo Commission) and other commissions of inquiries, and will recover assets identified to be the proceeds of corruption.

Strategy, Operations and Compliance (SOC): Provides corporate support services to the National Prosecuting Authority in terms of finance, human resources, ICT, strategy support, integrity, security, communication and risk management.

7.3 Outcomes, outputs, performance indicators and targets

The table below includes ENE, MTSF and additional output indicators that will contribute towards its 2020-25 vision as outlined in the Strategic Plan.

Table 5: Outcomes, outputs, performance indicators and targets

Outcome	Outputs	Outputs Indicators	Annual Targets						
			Audited/ Actual performance		Estimated Performance		MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Increased feelings of safety and security	Effective Prosecutions conducted	Conviction rate in High Court	90%	90.9%	93.8%	87%	87%	87%	87%
		Conviction rate in Regional Court	81.7%	82.5%	82.6%	74%	74%	74%	74%
		Conviction rate in District Court	95.7%	95.3%	95.9%	88%	88%	88%	88%
		Conviction rate in cable theft	N/A	N/A	N/A	N/A	80%	80%	80%
		Number of witnesses and related persons threatened, harmed or killed for the reason placed on the protection programme	0	0	0	0	0	0	0

Outcome	Outputs	Outputs indicators	Annual Targets					
			2018/19	2019/20	2020/21	2021/22	Estimated Performance	MTEF Period
Improved investor confidence in South Africa through high impact prosecutions	Fraud and corruption dealt with	Conviction rate in complex commercial crime	95%	92.3%	90.2%	93%	90%	90%
	Number of persons convicted of corruption and/or offences related to corruption ⁷²	Number of persons convicted of corruption and/or offences related to corruption ⁷²	353	416	233	370	334	334
		Number of investigations authorised ⁷³	N/A	N/A	N/A	N/A	11	16
		Number of state capture matters enrolled ⁷⁴	N/A	N/A	N/A	N/A	9	18
		Number of cases finalised with a verdict involving money laundering ⁷⁵	N/A	N/A	N/A	90	100	110
		Value of completed forfeiture cases	R6bn	R2.5bn	R550m	R550m	R550m	R550m
		Freezing of money and assets that are the proceeds of crime	Value of freezing orders obtained for corruption or offences relating to corruption	R262m	R1.6bn	R611m	R2.4bn	R2.4bn
								R2.2bn

⁷² This indicator combines the number of government officials convicted of corruption and the number of persons convicted of private sector corruption

⁷³ New output indicator linked to mandate of Investigating Directorate (ID).

⁷⁴ New indicator - linked to the mandate of the Investigating Directorate

⁷⁵ This is a new indicator and it measures the number of counts instead of cases

Outcome	Outputs	Outputs indicators	Annual Targets						MTEF Period
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Recovery of money and assets that are the proceeds of crime	Value of recoveries relating to corruption or related offences	R2.54bn	R3m	R3m	R311m	R1.4bn	R1.4bn	R1.4bn	2024/25
Improved access to NPA services for all	<p>Victim-centric services enhanced</p> <p>Total number of Thuthuzela care centres</p> <p>Percentage conviction rate in sexual offences</p> <p>Number of public awareness sessions conducted</p>	<p>55</p> <p>55</p> <p>71.2% 74.4%</p> <p>N/A</p>	<p>R2.54bn</p> <p>R3m</p> <p>75.2%</p> <p>N/A</p>	<p>55</p> <p>55</p> <p>75.2%</p> <p>293</p>	<p>58</p> <p>58</p> <p>70%</p> <p>140</p>	<p>R311m</p> <p>R1.4bn</p> <p>70%</p> <p>300</p>	<p>62</p> <p>62</p> <p>70%</p> <p>350</p>	<p>64</p> <p>66</p> <p>70%</p> <p>350</p>	2024/25

7.4 Output indicators, annual and quarterly targets

Table 6: Output indicators, annual and quarterly targets

Output Indicators	Annual Targets	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Conviction rate in High Court	87%	87%	87%	87%	87%
Conviction rate in Regional Court	74%	74%	74%	74%	74%
Conviction rate in District Court	88%	88%	88%	88%	88%
Conviction rate in cable theft	80%	80%	80%	80%	80%
Number of witnesses and related persons threatened, harmed or killed for the reason placed on the protection programme	0	0	0	0	0
Conviction rate in complex commercial crime	93%	93%	93%	93%	93%
Number of persons convicted of corruption and/or offences related to corruption	334	95	95	69	75
Number of investigations authorised	11	2	4	3	2
Number of state capture matters enrolled	9	0	2	2	5
Number of cases finalised with a verdict involving money laundering	100	25	24	26	25
Value of completed forfeiture cases per year	R550m	R150m	R150m	R'100m	R'150m
Value of freezing orders obtained for corruption or offences relating to corruption	R2.4bn	R550m	R750m	R450m	R650m
Value of recoveries relating to corruption or related offences	R1.4bn	R250m	R400m	R300m	R450m
Total number of Thuthuzela care centres	62	(0)	(1)	(1)	(2)
Conviction rate in sexual offences	70%	70%	70%	70%	70%
Number of public awareness sessions conducted	300	75	75	78	72

7.5 Explanation of planned performance

The planned performance environment is addressed in the Strategic Plan 2020-25.

Effective prosecutions conducted is demonstrated by various conviction rates at the following court fora, high court, regional court and district court as well as conviction rate in cases involving cable theft which is a JCPS cluster priority as outlined by the National Annual Strategic Plan (NASP). The NPA also recognizes that availability of witnesses and related persons during court proceedings is critical to successful prosecutions.

Fraud and corruption dealt with is a surmountable task laying ahead for the NPA and its specialized units such as the Investigating Directorate, Specialized Complex Commercial Unit and the Asset Forfeiture Unit. Through grand corruption, vast amounts of public money are systematically siphoned off to the accounts of few individuals, at the expense of the citizens. To curb these impunities, NPA will work together with cluster partners and other institutions to hold those implicated accountable.

Freezing and recovery of monies that are proceeds of crime. The battle against corruption and organized crime at large thrives when those involved and invested in such crime continue feeding the system through ill-gotten monies. To put an end to this impunity the NPA should ensure that collaborative efforts enhanced to identify, investigate and recover monies which are proceeds of crime.

Victim-centric services enhanced is vital to the battle against Gender-based violence, femicide and sexual offence crimes at large. The outcome supports initiatives such as its internationally modelled Thuthuzela Care Centres to support victims of gender-based violence and sexual offences and to minimize secondary victimization. Furthermore, through the Sexual Offences and Community Affairs unit the NPA has played and continues to play a critical role in the development of the National Gender-Based Violence and Femicide Strategic Plan (GBVF-NSP) which is a response strategy by government to address the scourge of GBV and Femicide.

8 PROGRAMME RESOURCE CONSIDERATIONS

Table 7: Budget allocation for the NPA per sub-programme over the MTEF period

Sub-Programme	Audited outcome			Adjusted estimates	Medium-term estimates		
	R thousand 2018/19	2019/20	2020/21		2021/22	2022/23	2023/24
National Prosecutions Service	3,058,752	3,195,463	3,193,928	3,570,331	3,706,393	3,666,650	3,831,368
Investigating Directorate	-	20,320	51,402	106,448	243,558	236,062	246,663
Asset Forfeiture Unit	127,794	126,861	149,150	195,233	212,426	210,235	219,701
Office for Witness Protection	193,539	192,770	176,333	196,582	219,850	221,498	231,449
Strategy, Operations and Compliance	419,310	473,783	626,039	467,031	528,038	536,455	560,468
Total	3,799,395	4,009,197	4,196,852	4,535,625	4,910,265	4,870,900	5,089,649
Economic classification							
Compensation of employees	3,317,227	3,442,013	3,552,695	3,926,048	4,154,154	4,101,595	4,287,306
Goods and services	433,237	488,279	467,236	527,782	647,782	666,528	695,502
Of which:							
Administrative fees	15,401	10,876	14,468	16,809	17,390	18,031	18,814
Advertising	34	38	-	1,716	745	812	894
Minor assets	1,818	4,797	4,199	4,040	4,127	4,250	4,433
Audit costs: External	-	-	-	-	-	-	-
Bursaries: Employees	1,071	1,908	2,514	715	727	755	789
Catering: Departmental activities	111	585	220	2,521	1,633	1,695	1,775
Communication (G&S)	16,400	17,406	16,505	20,399	23,427	24,267	25,342
Computer services	62,294	74,128	88,693	69,316	90,963	93,606	96,920
Consultants: Business and advisory services	2,565	3,480	5,179	43,268	32,525	32,364	33,584
Legal services (G&S)	29,290	53,772	18,500	42,452	53,025	53,813	55,329
Contractors	7,501	7,162	14,721	13,053	62,624	63,394	66,112
Agency and support/outsourced services	12,243	17,204	14,374	23,746	24,660	25,578	26,721
Fleet services (including government motor transport)	16,300	17,875	10,899	8,885	11,271	11,585	12,025
Consumable supplies	480	1,653	6,307	3,867	4,424	4,761	5,141
Consumables: Stationery, printing and office supplies	30,693	32,122	70,782	35,666	35,695	37,259	40,294
Operating leases	45,867	37,369	25,949	20,064	27,651	28,393	29,432
Rental and hiring	-	-	-	13	355	349	360
Property payments	72,912	82,435	79,266	89,611	98,030	101,566	105,903
Transport provided: Departmental activity	-	-	-	-	-	-	-
Travel and subsistence	63,939	71,414	34,879	45,637	61,479	63,694	66,486
Training and development	134	1,714	30	5,050	5,335	5,504	5,743
Operating payments	47,175	51,511	58,433	80,954	90,696	93,852	98,405

Sub-Programme	Audited outcome			Adjusted estimates	Medium-term estimates		
	2018/19	2019/20	2020/21		2022/23	2023/24	2024/25
R thousand							
Venues and facilities	7,009	830	1,318	-	1,000	1,000	1,000
Total Current Payments	3,750,464	3,930,292	4,019,931	4,453,830	4,801,936	4,768,123	4,982,808
Payments for financial assets	4,601	4,573	1,662	-	-	-	-
Transfers and subsidies to:	24,877	26,512	24,691	21,083	21,970	22,938	23,967
Departmental agencies and accounts	9,277	9,978	11,366	11,195	11,611	12,123	12,667
Households	15,600	16,534	13,325	9,888	10,359	10,815	11,300
Payments for capital assets	19,453	47,820	150,568	60,712	86,359	79,839	82,874
Machinery and equipment	16,365	35,670	28,517	37,671	32,987	35,410	36,773
Transport equipment	3,088	12,150	122,051	23,041	53,372	44,429	46,101
TOTAL	3,799,395	4,009,197	4,196,852	4,535,625	4,910,265	4,870,900	5,089,649

8.1 Expenditure Trends

Over the medium term, between 2022/23 and 2024/25, expenditure is expected to increase at an average annual rate of 3.98% to reach R5,090 billion. The bulk of spending cross the seven-year period, from 2018/19 to 2024/25, is on compensation of employees. The National Prosecuting Services (NPS) will continue to be allocated a bigger slice of the budget over the Medium-Term Expenditure Framework (MTEF) period.

Additional budget injections over the MTEF period for the NPA is to ensure delivery on its strategic outputs of conducting effective prosecutions, dealing robust with fraud and corruption, freezing and recovery of monies which are proceeds of crime. While Administration sub-programme budget allocation includes certain centralised services such as leased accommodation, information and communications technology (ICT) services, fleet and security.

8.2 Human Resource Consideration

Table 4: Human resource consideration for the NPA per sub-programme over the MTEF period

POST OCC CLASSIFICATION DESCRIPTION	TOTAL	FILLED	VACANT	VACANCY RATE
ADMINISTRATIVE RELATED	654	443	211	32
ADVOCATES	939	674	265	28
CLEANERS IN OFFICES WORKSHOPS HOSPITALS ETC.	9	8	1	11
CLIENT INFORM CLERKS (SWITCHB RECEPTE INFORM CLERKS)	19	13	6	32
COMMUNICATION AND INFORMATION RELATED	18	12	6	33
CRIME INVESTIGATORS/MISDAAD ONDERSOEKERS	65	33	32	49
FINANCIAL AND RELATED PROFESSIONALS	153	115	38	25
FINANCIAL CLERKS AND CREDIT CONTROLLERS	67	43	24	36
HUMAN RESOURCES & ORGANISATION DEVELOPMENT & RELATED PROF	10	9	1	10
HUMAN RESOURCES CLERKS	45	37	8	18
HUMAN RESOURCES RELATED	125	85	40	32
INFORMATION TECHNOLOGY RELATED	26	19	7	27
LIBRARIANS AND RELATED PROFESSIONALS	22	18	4	18
LIBRARY MAIL AND RELATED CLERKS	21	16	5	24
LOGISTICAL SUPPORT PERSONNEL	18	9	9	50
MESSENGERS PORTERS AND DELIVERERS	37	28	9	24
OTHER ADMINISTRAT & RELATED CLERKS AND ORGANISERS	463	358	105	23
PROSECUTOR	2998	2658	340	11
PROTECTION SERVICES	98	76	22	22
RISK MANAGEMENT AND SECURITY SERVICES	35	23	12	34
SECRETARIES & OTHER KEYBOARD OPERATING CLERKS	102	73	29	28
SENIOR MANAGERS	281	195	86	31
SOCIAL WORK AND RELATED PROFESSIONALS	5	3	2	40
GRAND TOTAL	6210	4948	1262	20

8.3 Human Resource Explanation Trend

The total staff establishment of the NPA is made up of total posts of 6210 of which 4948 are filled and thus representing a vacancy rate of approximately 20.3%. The NPA has embarked on mass recruitment to address shortages of capacity and necessary skills needed to investigate and prosecute complex matters within the NPA environment. This includes to a large extend the capacitation of the Investigating Directorate (ID) which is charged with the responsibility to address matters emerging out of several public commissions of enquiry, such as the Nugent Commission, Mpati Commission and the recently concluded Judicial Commission of enquiry into allegations of state capture (also referred to Zondo Commission).

9 Key Risks

Key risks are addressed in the Strategic Plan 2020-2025.

10 Public Entities

Not applicable to NPA.

11 Infrastructure Projects

The infrastructure projects are addressed in the Strategic Plan 2020-2025.

12 Public Private Partnerships

The public private partnerships relevant to the NPA are addressed in the Strategic Plan 2020-2025.

PART D: ANNEXURES TO THE APP

Annexure A: Amendments to the Strategic Plan

No amendments made to the 2020/25 Strategic Plan.

Annexure B: Conditional Grants

Not applicable to NPA for the reporting period 2022-23.

Annexure C: Consolidated Indicators

Not applicable to NPA for the reporting period 2022-23.

13 GLOSSARY OF TERMS

Admission of guilt payments (AOG)

Payments in terms of a summons (J175) issued where the accused paid the admission of guilt in terms of section 57 of the CPA, Act 51 of 1977 without appearing in court on a criminal court case. These figures are totalled on the last court date of each calendar month with due regard to section 57(7) of the CPA, Act 51 of 1977.

Alternative Dispute Resolution Methods (ADRM) - alternative dispute resolution encompasses several methods for the resolution of disputes between the parties. Within the NPA this includes diversion and informal mediation:

Diversion is one of the alternative ways of delivering justice. It is the process of electing, in suitable and deserving criminal court cases, a manner of disposing of a criminal court case other than through normal court proceedings. (It usually includes the withdrawal of the charges against the accused person, after the accused person has participated in a particular certified programme.) After the offender has completed the diversion programme, the social worker submits a report to the prosecutor. If it is clear that the offender has cooperated and benefited from the programme, the matter is withdrawn and recorded as a diverted case on the daily statistics. These figures are totalled on the last court date of each calendar month. Separate statistics are recorded for children (persons younger than 18 years) and adult diversions. Diversions in terms of the Child Justice Act, 75 of 2008 are also included, and are totalled on the last court date of each calendar month.

Informal mediation is the process by which a prosecutor duly authorised thereto and within the ambit of the restorative justice guidelines, while acting as a mediator between the victim and offender, resolves the conflict, which resulted in the criminal court case or addresses the harm caused in a manner that does not require formal justice but seeks to deliver justice. The matter is subsequently withdrawn.

Appeals finalised

Means a case finalised through a judgement by the Court of Appeal inclusive of Rule 53 matters, motion applications, *ex parte* applications, petitions, bail appeals or withdrawal of appeal by the appellant or any other reason that entitles the file to be closed.

Applications for Leave to Appeal

Means the number of cases in which the court considered an application for leave to appeal against a judgment or order made by the trial court and heard during the reporting period regardless of the outcome of the application.

Case

In the NPA, a case includes criminal court cases and civil court cases. These concepts are defined as:

- **Criminal court case** is a matter that has been enrolled in a criminal court regardless of the forum including traffic cases and non-docket cases where accused appears in a court. Any civil applications, enquiries and *ex parte* applications are excluded. 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.
- **Civil court case** is a civil matter that has been enrolled in a court of South Africa regardless of the forum. This includes *ex parte* applications or applications on notice. It includes motion and trial proceedings. Examples are restraint, preservation, forfeiture and confiscation applications. It also includes interlocutory applications relating to living and legal expenses and curators in civil matters.

Commercial crime

Commercial crimes may involve fraud [cheque fraud, credit card fraud, mortgage fraud, medical fraud, corporate fraud, securities fraud (including insider trading), bank fraud, payment (point of sale) fraud, health care fraud], theft, scams or confidence tricks, tax evasion, bribery, embezzlement, identity theft, money laundering, and forgery and counterfeiting, including the production of counterfeit money and consumer goods.

Contact crime

Contact crimes are defined as crimes against a person such as murder, attempted murder, rape (including attempted rape), indecent assault, assault with the intent to inflict grievous bodily harm, common assault, robbery with aggravating circumstances and common robbery.

Complex commercial crime cases

Complex commercial crime cases are those commercial crime cases, which require specialised prosecution due to their intricate nature, or high impact on the community.

Conviction

A conviction is a finding of guilty and includes payment made in terms of section 57A of the CPA, 51 of 1977.

Copper theft prosecutions

This means criminal court cases that arise from any crime that relate to any theft of copper in whatever form (cabling, electrical wiring, plates, etc.) and includes possession or receiving of stolen copper as well as any other competent verdicts on theft and essential infrastructure related prosecutions in terms of the Criminal Matters Amendment Act, 18 of 2015.

Corruption

Corruption should be understood as the misuse of public and private office or position or resources with a corrupt intent, and may include acts of bribery, nepotism, extortion, fraud and theft and any offence committed in terms of the Prevention and Combating of Corrupt Activities Act, 12 of 2004 either as main charge or as the alternative charge.

Criminal matters finalised

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

Criminal/court matters finalised

Criminal/court matters finalised include the putting of suspended sentences into operation, the conversions of maintenance trials to an enquiry, applications for leave to appeal, committal to a mental institution, conversion of sentences, formal inquests, preliminary inquiries in terms of the Child Justice Act, 75 of 2008 and formal bail applications.

Cyber crime

Any crime that is facilitated by the use of information technology.

District court

A court created by the Minister of Justice for a district in terms of section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).

Essential Infrastructure

Means to any installation, structure, facility or system, whether publicly or privately owned, the loss or damage of, or the tampering with, which may interfere with the provision or distribution of a basic service to the public as defined in section 1 of the Criminal Matters Amendment Act, 18 of 2015.

Femicide

Femicide is the killing of a female person (or perceived female person on the basis of gender identity) due to the specific gender of the person, whether committed within the domestic relationship, interpersonal relationship or by any other person.

Femicide: murder intimate partner femicide

Murder intimate partner femicide is femicide committed by a current or former husband (divorced or separated), boyfriend (dating or cohabitating), ex-boyfriend, or rejected would-be lover.

Formal bail applications

Means the number of cases in which the court considered evidence, whether *viva voce* or written statements, to consider the release of accused on bail during the reporting period whether bail is granted or not and includes inquiries in terms of section 49G of the Correctional Services Act, 111 of 1998.

Government official

Includes all persons employed by a state institution, as well as persons who were employed by a state institution at the time of commission of the offence. A state institution includes all three tiers of government departments (national, provincial and local), public entities listed in Schedule 2 and 3 of the Public Management Finance Act, 1 of 1999 (PFMA), constitutional institutions listed in Schedule 1 of the PFMA, parliament and the provincial legislatures subject to section 3(2) of the PFMA.

High court

High court means the High Court of South Africa and its respective divisions referred to in section 6(1) of the Superior Courts Act, 2013 (Act No. 10 of 2013).

Money laundering

Money laundering refers to any crimes committed in terms of Section 4 of the Prevention of Organised Crime Act, 121 of 1998 (POCA).

Murder prosecutions

Cases where the accused person/persons are prosecuted on a charge of murder. Murder is defined as the intentional, unlawful killing of another human being. Competent verdicts in terms of section 258 of the CPA, 51 of 1977 are included as guilty verdicts.

Operational Thuthuzela Care Centre (TCC)

A TCC is regarded as operational when all of the following criteria are met:

- A victim friendly designated space, with waiting area, counselling room, examination room, ablution facilities and statement-taking room exists. A TCC is located on the premises of the Department of Health (DOH), either in the hospital building or in a park home facility.
- One of the three posts (site coordinator, victim assistance officer and a case manager) for which the NPA is responsible are filled either on contract or permanent appointment.
- All services are rendered including police, health, psychological and prosecutorial, whether in house or on call. This includes referral system for 24/7 care and management.
- Protocols between the NPA, SAPS and DOH are in place.
- Training for relevant stakeholders, including induction for SOCA-staff at the TCC-site, has been conducted.
- Essential equipment and furniture as per SOCA TCC list have been provided.

Organised crime

Crime or crimes committed by a person, group of persons or syndicate acting in an organised fashion which could result in substantial financial gain for the person, group or persons or syndicate, involved. Specialised prosecutors deal with these cases.

Priority corruption case

A priority corruption case is a case identified by each DPP for fast tracking as well as cases identified by the Anti-Corruption Task Team (ACTT) to be dealt with in accordance with the Terms of Reference of the ACTT.

Prosecuting authority

The Prosecuting Authority is the National Prosecuting Authority, which consists of the National Director; Deputy National Directors of Public Prosecutions; Directors of Public Prosecutions, Deputy Directors of Public Prosecutions, prosecutors and support staff.

Sexual offences

Any offences committed in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007, and may include common law rape or indecent assault.

TCC

Thuthuzela (“comfort” in Xhosa) care centres (TCC) are 24 hour one-stop service centres where victims have access to all services that include police, counselling, doctors, court preparation and a prosecutor for victims. These centres are aimed at turning victims into survivors and providing comprehensive therapy. These multi-disciplinary centres have been established to streamline the process of reporting, care-giving, investigation of cases and the subsequent prosecution of the case. The main objectives for these centres are to eliminate secondary victimisation, reduce case cycle time, and to increase convictions.

TRC cases

Cases to be considered for the prosecution of apartheid crimes, where alleged perpetrators were denied amnesty by the Truth and Reconciliation Commission; including deaths in detention of detained persons due to political motives and the interference in the NPA being able to do its work with regard to prosecuting certain individuals in these cases.

Trio crimes

Trio crimes refer to robbery at residential premises, robbery at business premises and carjacking.

Verdict

This is the judgment given by a court after the conclusion of the court proceedings. In criminal cases, it can only follow after an accused person has pleaded to the charges and is a verdict either of guilty or not guilty.

Victim impact statements used in court

Means the utilisation of VIS in any court proceedings including handing in of the VIS via the victim, tendering oral evidence during sentencing on the impact of the crime and, the prosecutor addressing the court for sentencing purposes from the VIS as base document, as well as providing the VIS to court.

Part E – Technical Indicator Descriptions (TID) Annual Performance Plan

1	
Indicator title	Conviction rate
Definition	The percentage of cases finalised with a verdict in which a guilty verdict was obtained from all court for a, HC, DC, RC and dedicated courts.
Source/collection of data	Daily court returns
Method of calculation	The total number of cases finalised with a guilty verdict (including Sec 57A) divided by the total number of cases finalised with a verdict reflected as a percentage. Convictions are recorded at the date of sentencing after guilty verdict or verdict of not-guilty. One case may result in conviction of more than one focus area.
Assumptions	Proper screening of dockets.
Disaggregation of Beneficiaries (where applicable)	Not Applicable.
Spatial Transformation (where applicable)	Not Applicable.
Calculation Type	Non-Cumulative
Reporting cycle	Quarterly
Desired performance	87% in the HC; 74% in the RC; 88% in the DC; 90% in complex commercial crime; 70% in sexual offenses
Indicator responsibility	DNDPP: NPS

2

Indicator title	Percentage conviction rate in Cable theft
Definition	The percentage of cases finalised with a verdict in which a guilty verdict was obtained
Source/collection of data	Daily court returns
Method of calculation	The total number of cases finalised with a guilty verdict (including Sec 57A) divided by the total number of cases finalised with a verdict reflected as a percentage. Convictions are recorded at the date of sentencing after guilty verdict or verdict of not-guilty. One case may result in conviction of more than one focus area.
Assumptions	Proper screening of dockets.
Disaggregation of Beneficiaries (where applicable)	Not Applicable.
Spatial Transformation (where applicable)	Not Applicable.
Calculation type	Non-Cumulative

Reporting cycle	Quarterly
Desired performance	80%
Indicator responsibility	DNDPP: NPS
	3
Indicator title	Number of witnesses and related persons threatened, harmed or killed for the reason placed on the protection programme
Definition	Witnesses and related persons harmed, threatened or killed whilst on the witness protection programme.
Source/collection of data	Central datasheet
Method of calculation	The total number of witnesses and related persons that were harmed, threatened or killed during the reporting period by a person or persons from whom they were protected either directly or through an agent, while on the NPA witness protection programme.
Assumptions	Buy-in from witnesses, availability of resources, financial allocation
Disaggregation of Beneficiaries (where applicable)	Not Applicable.
Spatial Transformation (where applicable)	Not Applicable.
Calculation type	Non-cumulative
Reporting cycle	Quarterly
Desired performance	0
Indicator responsibility	SD: OWP
	4
Indicator title	Number of persons convicted of corruption and/or offences related to corruption
Definition	Conviction of private sector persons and government officials that committed corruption or offences relating to corruption
Source/collection of data	NPA Daily Court return
Method of calculation	Simple count of persons (private and government)/companies convicted of corruption and/or offences relating to corruption
Assumptions	Quality investigation of cases, proper screening of dockets, cases to be prioritised for prosecution.
Disaggregation of Beneficiaries (where applicable)	Not applicable
Spatial Transformation (where applicable)	Not applicable

Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly
Desired performance	334
Indicator responsibility	DNDPP: NPS

5

Indicator title	Number of investigations authorised
Short definition	Number of approved investigations on specified offences pursued by the ID.
Source/collection of data	Specified investigations register and component documents
Method of calculation	Count of the number of specified investigations declared
Assumptions	Capacitation of ID, recruitment of skilled officials,
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	11
Indicator responsibility	ID Sector Heads

6

Indicator title	Number of state capture matters enrolled
Definition	Number of matters enrolled in the courts for prosecution per annum
Source/collection of data	Reports on enrolled matters
Method of calculation	Count of matters enrolled
Assumptions	There is prima facie evidence for enrolment, conclusion of investigations
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	9
Indicator responsibility	ID sector heads

7

Indicator title	Number of cases finalised with a verdict involving money laundering
Definition	To measure the effectiveness of the NPA through verdicts in dealing with cases involving money laundering offences
Source/collection of data	NPA daily court returns
Method of calculation	Simple count of convictions obtained in money laundering cases
Assumptions	Quality investigation of cases, proper screening of dockets, cases to be prioritised for prosecution.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly
Desired performance	100
Indicator responsibility	DNDPP: NPS

8

Indicator title	Value of completed forfeiture cases per year
Definition	This indicator measures the value of assets frozen in freezing orders obtained in the reporting period.
Source/collection of data	Case report form that is captured in a central data sheet.
Method of calculation	The total estimated net market value of assets frozen by orders obtained in the reporting period. The value is estimated and counted at the time when the initial order is obtained.
Assumptions	Investigations are completed and assets attached.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly
Desired performance	R550m
Indicator responsibility	DNDPP: AFU

9

Indicator title	Value of freezing orders obtained for corruption or offences relating to corruption
Definition	Value of assets frozen in freezing orders obtained in the reporting period
Source/collection of data	Case report form that is captured in a central data sheet

Method of calculation:	The total estimated net market value of assets frozen by orders obtained in the reporting period. The value is estimated and counted at the time when the initial order is obtained
Assumptions	Investigations are completed and assets attached
Disaggregation of Beneficiaries (where applicable)	Not applicable
Spatial Transformation (where applicable)	Not applicable
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly
Desired performance	R2.4bn
Indicator responsibility	DNDPP: AFU

10

Indicator title	Value of recoveries relating to corruption or related offences
Definition	The amount of recoveries including payments paid to CARA or victims of crime in terms of court orders
Source/collection of data	Serious corruption register
Method of calculation	The total amount paid or the net market value of property transferred to the victims of crime or CARA during the reporting period resulting from orders or agreements obtained in respect of corruption or related offences. It is measured only when the proof of payment is received.
Assumptions	Investigations are completed and court order granted to forfeit and recover
Disaggregation of Beneficiaries (where applicable)	Not applicable
Spatial Transformation (where applicable)	Not applicable
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly
Desired performance	R1.4bn
Indicator responsibility	DNDPP: AFU

11

Indicator title	Total number of Thuthuzela care centres
Definition	Demonstrates number of fully functional TCCs which are added into the system
Source/collection of data	SOCA reports
Method of calculation	Simple count of operational sites
Assumptions	Allocation of additional budget, appointment of additional staff,

Disaggregation of Beneficiaries (where applicable)	Not applicable
Spatial Transformation (where applicable)	Not applicable
Calculation type	Cumulative (year-end)
Reporting cycle	Annually
Desired performance	62
Indicator responsibility	DNDPP: NPS
12	
Indicator title	Number of public awareness sessions conducted
Definition	Measure the number of events and exhibitions hosted and/or participated in with the aim of educating the public on the role of the NPA. Events and Exhibitions includes community road shows, outreach programmes, career awareness sessions, national public participation programmes, monthly media engagements and any public lecturer aimed at promoting the work of the NPA.
Source/collection of data	Communication's quarterly reports
Method of calculation	Simple count of number of sessions
Assumptions	Revision of the Communication Strategy, Budget allocation,
Disaggregation of Beneficiaries (where applicable)	Not applicable
Spatial Transformation (where applicable)	Not applicable
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly
Desired performance	300
Indicator responsibility	DNDPP: Strategy, Operations and Compliance



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