

# NPA Annual Performance Plan 2020 – 2021



## **Foreword by the National Director:**

This annual performance plan (APP) 2020-2021 reflects the National Prosecuting Authority's strategic intent to rebuild an independent, professional, accountable and credible prosecution service that ensures justice for all in South Africa. This financial year, 2020-2021, marks a critical milestone as the first year towards the Medium-Term Strategic Framework (MTSF) period. We have consequently undertaken a rigorous process of reviewing and defining outcomes and outputs towards the 5-year strategic vision of the NPA.

The NPA, as a critical stakeholder in the criminal justice system, has defined the following outcomes, to articulate its efforts within the justice cluster:

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

To achieve the above outcomes, the NPA must address key challenges in its operating environment. This requires stabilising the organisation, ensuring sufficient financial and human resources are available to enable effective operations, improving public perceptions of the NPA and repairing its reputation, and enhancing collaboration and effective cooperation between all criminal justice agencies. Together with our partners we need to significantly enhance the levels of certainty that crimes will be properly investigated and prosecuted, and perpetrators will be held accountable.

With the increasing levels of crime, including serious organised crime, sexual and gender-based violence and corruption that erode our communities, the onus is on each and every one of us to embrace the challenge and to work with a spirit of service and sacrifice, to ensure that justice is served.

Our ability, to hold perpetrators of complex economic crimes accountable and to recover the proceeds of crime, in collaboration with our partners, will contribute significantly to the revitalisation of the South African economy, which will benefit all South Africans, in particular the vulnerable and the poor. In this regard, the work of the Investigating Directorate (ID), the Specialised Commercial Crime Unit, the Organised Crime component and Asset Forfeiture unit is crucial.

We will renew our focus on the specialist prosecutorial services in the area of sexual and gender-based violence, as addressing the current scourge of violence against women and children, remains a top priority. The NPA also plays an essential role in the implementation of the presidential action plan on GBVF.

In addition, we have identified a number of strategic priorities for the NPA over the duration of the strategic period, and these are:

- Strengthening the independence of the NPA
- Enhancing accountability
- Setting up of the Office of Complaints and Ethics
- Capacitation of the NPA including reducing the high staff vacancy rate
- The efficient and effective use of digitisation and information technology
- Revitalisation of the aspirant prosecutor's programme
- Enhancing professional development and training
- Establishing a Strategic Innovation and Support capacity in the Office of the National Director, and
- Implementing a community prosecution model.

This APP 2020/21 is an ambitious plan of action but necessary to build an independent, professional, accountable and credible organisation.

We face challenging and difficult times in the criminal justice system as a whole. With courage, a bold vision and unwavering commitment, we can overcome these challenges together. Ably supported by our dedicated administrative staff, as prosecutors, we are bound together by a strong prosecutors' creed that inspired us to join this noble profession in the first place, and that must light our paths as we move forward together. As the people's lawyers, it is our obligation to relentlessly pursue the rebuilding of the NPA and our criminal justice system, to ensure that justice wins.



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**Advocate Shamila Batohi (National Director of Public Prosecutions)**  
**Official Sign-off**

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 No. 32 of 1998, as amended, relevant strategies and policies.
- Accurately reflects the impact, outcomes and outputs which the NPA will endeavour to achieve over the period 2020 - 2025.

**Ms. H van Zyl**

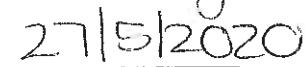
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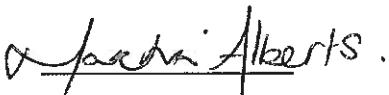
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**Ms. M Alberts**

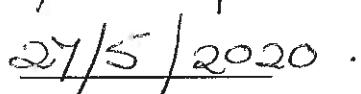
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Acting Chief Director:

Strategy Management Office

Date:



**Adv. KH van Rensburg**

Signature:



Acting Head of Administration

Date:



**Approved by:**

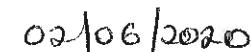
**Adv. Shamila Batohi**

**National Director of  
Public Prosecutions**

Signature:



Date:



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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 updates to relevant court rulings are addressed in the Strategic Plan 2020-2025.

## **PART B: OUR STRATEGIC FOCUS**

### **4. Updated situation analysis**

#### **4.1 External environment analysis**

The updated external analysis is discussed in the Strategic Plan 2020-2025.

#### **4.2 Internal environment**

The updated internal analysis is discussed in the Strategic Plan 2020-2025.

## **Part C: MEASURING OUR PERFORMANCE**

### **5. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION**

#### **5.1 Programme Name**

The **National Prosecuting Authority (NPA)** is Programme 4 of the Department of Justice and Constitutional Development (DoJ&CD) which supports all 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).

## **5.2 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 is outlined in the constitution as 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.

Thus, the NPA bears the vital 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.

## **5.3 Programme Outputs**

There are four (4) sub-programmes and one (1) proclaimed project in the NPA:

**National Prosecutions Service (NPS)** is primarily responsible for general and specialised prosecutions and appeals, 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 litigation<sup>1</sup>, sexual offences and community affairs, and specialised commercial crime.

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<sup>1</sup> 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.

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

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

**Administration** provides corporate support services to the National Prosecuting Authority in terms of finance, human resources, ICT, strategy support, integrity, security, communication and risk management.

**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.

#### 5.4 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 1: Outcomes, outputs, performance indicators and targets*

Outcome	Outputs	Outputs Indicators	Audited/ Actual performance	Annual Targets			INTER Period
				2016/17	2017/18	2018/19	
Increased feelings of safety and security	Effective Prosecutions conducted	Conviction rate in High court	91%	91.7%	90%	87%	87%
		Conviction rate in Regional court	80%	81%	81.7%	74%	74%
		Conviction rate in District court	96%	96.1%	95.7%	88%	88%
Level of quality of prosecutions			N/A	N/A	N/A	Baseline +10%	Baseline 2021/22+1 0%

 The colour coded indicators are Estimates of National Expenditure (ENE) indicators

Outcome	Outputs	Outputs Indicators	Audited/ Actual Performance		Annual Targets		Estimated Performance	MTEF Patch
			2016/17	2017/18	2018/19	2019/20		
Increased feelings of safety and security	Effective prosecutions conducted	Number of witnesses and related persons threatened, harmed or killed whilst on the witness protection programme	0	0	0	0	0	0
Improved investor confidence in South Africa through high impact prosecutions	Fraud and corruption dealt with	Conviction rate [in complex commercial crime]	92.1% (793)	94.1% (911)	93% (801)	93%	93%	93%

The colour coded indicators are Estimates of National Expenditure (ENE) indicators

Outcome	Outputs	Outputs indicators	Audited/ Actual performance			Estimated Performance	Annual Targets		
			2016/17	2017/18	2018/19		2019/20	2020/21	2021/22
Improved investor confidence in South Africa through high impact prosecution	Fraud and corruption dealt with	Number of cases involving money laundering <sup>2</sup>	N/A	N/A	N/A	N/A	90	100	110
	Freezing of money and assets that are the proceeds of crime	Value of freezing orders obtained for corruption or offences relating to corruption	R627.3m	R3.8bn	R262bn	R6.8bn	R2.4bn	R2.6bn	R2.8bn
	Recovery of money and assets that are the proceeds of crime	Value of recoveries relating to corruption or related offences	R122.7m	R2.54bn	R2.64bn	R1.8bn	R1.4bn	R1.8bn	R1.8bn

 The colour coded indicators are Estimates of National Expenditure (ENE) indicators

<sup>2</sup> This is a new indicator and it measures the number of counts instead of cases

Outcome	Outputs	Outputs indicators	Audited Actual performance			Annual Targets		
			2016/17	2017/18	2018/19	Estimated Performance	2020/21	2021/22
Improved access to NPA services for all	Victim centric services enhanced	Number of operational TCCs in place	55	55	55	55	55	50
		Conviction rate in sexual offences	71%	71.2%	74.4%	70%	70%	70%
		Number of public awareness sessions conducted	N/A	N/A	120	130	140	150
							160	

 The colour coded indicators are Estimates of National Expenditure (ENE) indicators

## 5.5 Output indicators, annual and quarterly targets

**Table 2: Output indicators, annual and quarterly targets**

Quarter	Annual target	Quarterly target	Actual performance	Baseline	Baseline
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%
Level of quality of prosecutions	Baseline	Baseline	Baseline	Baseline	Baseline
Number of witnesses and related persons threatened harmed or killed whilst on the witness protection programme	0	0	0	0	0
Conviction rate in complex commercial crime	93%	93%	93%	93%	93%
Number of persons convicted of private sector corruption	150	37	39	35	39
Number of government officials convicted of	220	55	55	45	65

Corruption and/or offences related to corruption					
Estimated losses	Recovery	Amount recovered	Conviction rate		
Number of cases involving money laundering	90	23	24	21	22
Value of items obtained for corruption or offences relating to corruption	R2.4bn	R600m	R600m	R600m	R600m
Value of recoveries relating to corruption or related offences	R1.4bn	R350m	R350m	R350m	R350m
Number of operational TCOs in place	58	(0)	(0)	(0)	(3)
Conviction rate in sexual offences	70%	70%	70%	70%	70%
Number of public awareness sessions conducted	140	35	35	35	35

## 5.6 EXPLANATION OF PLANNED PERFORMANCE

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

## 5.7 PROGRAMME RESOURCE CONSIDERATIONS

*Table 3: Budget allocation for the NPA per sub-programme over the MTEF period*

Sub-Programme R thousand	Audited outcome			Adjusted estimates 2019/20	Medium-term estimates		
	2016/17	2017/18	2018/19		2020/21	2021/22	2022/23
National Prosecutions Service	2 776 286	2 946 254	3 058 752	3 231 888	3 701 537	3 969 000	4 123 052
Asset Forfeiture Unit	133 011	126 520	127 794	159 294	203 935	217 302	224 722
Office for Witness Protection	183 521	189 994	193 539	183 445	196 729	208 911	217 440
Administration	461 758	480 147	419 310	456 939	481 725	510 773	530 965
<b>TOTAL</b>	<b>3 554 576</b>	<b>3 742 915</b>	<b>3 799 395</b>	<b>4 031 566</b>	<b>4 583 926</b>	<b>4 905 986</b>	<b>5 096 179</b>
<b>Economic classification</b>							
Compensation of employees	3 039 993	3 202 753	3 317 228	3 512 046	3 974 211	4 259 377	4 423 047
Goods and services	462 661	495 535	433 237	466 696	553 760	587 814	611 403
Of which:							
Administrative fees	13 444	13 738	15 401	15 984	16 561	17 470	18 116
Advertising	942	256	34	1 604	1 692	1 785	1 851
Assets less than the capitalisation threshold	2 128	2 596	1 818	8 030	3 952	4 110	4 723
Audit cost; External	0	0	0	0	0	0	0
Bursaries: Employees	1 031	1 154	1 071	668	705	744	772
Catering: Departmental	1 643	287	111	1 802	2 471	2 608	2 705
Communication (G&S)	14 534	18 247	16 400	16 504	19 989	20 978	22 538
Computer services	74 360	111 688	62 294	53 680	68 185	71 385	73 667
Consultants and professional services: Business and advisory services	7 573	4 723	2 565	6 891	42 270	46 723	49 008
Consultants and professional services: Legal costs	12 900	34 266	29 290	50 209	41 465	46 833	48 568
Contractors	24 178	7 977	7 501	8 762	13 464	13 985	14 353
Agency and support / outsourced services	13 122	11 896	12 243	6 693	23 411	24 940	26 431
Entertainment	0	0	0	0	0	0	0
Fleet services (including government motor transport)	12 481	15 723	16 300	9 747	8 743	9 224	9 568

Sub-Programme	Audited outcome			Adjusted estimates	Medium-term estimates		
	3 973	909	480		3 778	3 986	4 133
Consumables: Supplies	3 973	909	480	3 580	3 778	3 986	4 133
Consumables: Stationery, printing and office supplies	20 069	35 360	30 693	17 451	34 984	36 797	38 091
Operating leases	36 663	35 146	45 867	29 963	19 737	20 713	21 409
Property payments	63 683	72 492	72 912	95 852	93 291	97 872	101 139
Travel and subsistence	69 433	63 892	0	58 607	72 181	75 682	78 177
Transport provided	4	10	63 939				
Training and development	1 572	2 690	134	4 694	4 952	5 225	5 419
Operating payments	87 356	62 276	47 175	75 961	81 916	86 740	90 720
Venues and facilities	1 457	165	7 009	2	0	0	0
Rental and hiring	115	44	0	12	13	14	15
Total current payments	3 502 654	3 698 288	3 750 465				
Payments for financial assets	1 232	465	4 601				
Transfers and subsidies to:	18 828	16 432	24 877	18 922	19 963	21 083	21 970
Departmental agencies and accounts	8 611	8 891	9 277	10 048	10 601	11 195	11 611
Households	10 217	7 541	15 600	8 874	9 362	9 888	10 359
Payments for capital assets	31 862	27 730	19 452	33 900	35 992	37 712	39 759
Buildings and other fixed structures	0	0	0				
Machinery and equipment	31 862	27 730	19 452	33 900	35 992	37 712	39 759
<b>TOTAL</b>	<b>3 554 576</b>	<b>3 742 915</b>	<b>3 799 395</b>	<b>4 031 566</b>	<b>4 583 926</b>	<b>4 905 986</b>	<b>5 096 179</b>

## 5.8 Expenditure trends

Over the medium term, between 2020/21 and 2022/23, expenditure is expected to increase at an average annual rate of 7.37% to reach R5, 096 billion. The bulk of spending across the seven-year period is on compensation of employees. The National Prosecuting Services (NPS) will continue to be allocated a bigger slice of the budget over the MTEF period.

The NPS sub-programme accounts for 80.16% of the 2020/21 budget. The sub-programme Administration Services budget allocation includes certain centralised services such as leased accommodation, ICT related services, fleet and security.

## **6. KEY RISKS**

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

## **7. PUBLIC ENTITIES**

Not applicable to NPA.

## **8. INFRASTRUCTURE PROJECTS**

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

## **9. PUBLIC PRIVATE PARTNERSHIPS**

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

## **10. PART C: ANNEXURES TO THE APP**

### **10.1.1 Annexure A: Amendments to the Strategic Plan**

No amendments made to the 2020/25 Strategic Plan.

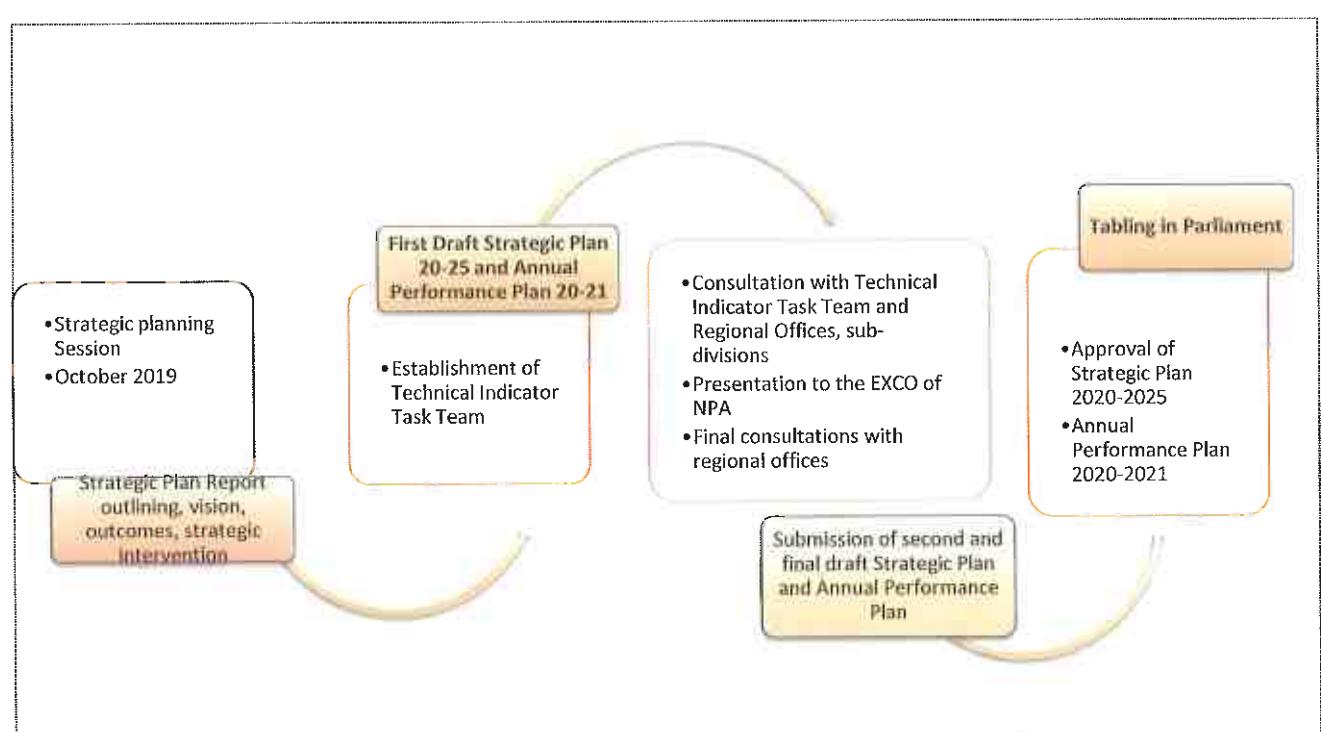
### **10.1.2 Annexure B: Conditional Grants**

Not applicable to NPA for the reporting period 2020-21.

### **10.1.3 Annexure C: Consolidated Indicators**

Not applicable to NPA for the reporting period 2020-21.

## **11. PROCESSES FOR DEVELOPMENT, APPROVAL, REVISION AND TABLING OF APP**



## **12. 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.

### **CARA**

A special fund used to fight crime or assist victims of crime.

### **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.

**Complex tax prosecutions**

Means those cases involving tax charges which require specialised prosecution due to their intricate nature, or have a high impact on the community, particularly but not exclusively, those matters linked to the commission of organised crime.

**Conversion of sentence**

Means cases in which a court considered an application for an imposed sentence to be converted into a different sentence, irrespective of whether the sentence was converted or not, the case was remitted to a trial court by order of an appeal or review court.

**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.

#### **Court preparation officer**

Any officer appointed by the NPA to familiarise a witness with the court environment, legal processes, and legal terms at the appropriate level to address their fears and concerns regarding testimony in court, thus contributing towards successful prosecutions and customer satisfaction.

#### **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.

#### **Decision dockets**

Decision dockets include all criminal matters presented to the NPA to consider the institution of a prosecution. These exclude dockets in cases enrolled.

#### **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).

**Diversions in terms of the Child Justice Act**

- **Diversion by prosecutor before preliminary inquiry in terms of Section 41 of Child Justice Act, 75 of 2008**

Means matters diverted by a prosecutor in which a child was alleged to have committed an offence referred to in Schedule 1 and may, for this purpose, select any level one-diversion option set out in section 53(3) or any combination thereof.

- **Preliminary Inquiry Diversions**

Means matters diverted in terms of section 52(1) or 52(2) of the Child Justice Act, 75 of 2008.

- **Schedule 3 Diversions**

Means matters diverted in terms of section 52(3) of the Child Justice Act, 75 of 2008, where the Director of Public Prosecutions having jurisdiction indicated, in the case of an offence referred to in Schedule 3, in writing, that the matter be diverted.

**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.

**Environmental crime cases**

Any criminal court cases relating to the importing, exporting, hunting, catching, capturing, killing, gathering, collecting, translocation, selling or trading of any wild animals, birds, plant, fish and marine life, insects; the pollution of water, air, soil, emission of poisons gasses, dumping of waste, inclusive of offences relating to environmental permits and illicit mining.

**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.

**Formal inquests**

Means inquiries into the causes of and/or circumstances surrounding the death of a person in which the court considered viva voce evidence of witnesses and made a finding.

**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).

**Illicit mining**

It is the prospecting, mining, removal, possession, refining, dealing, importing and exporting of unwrought precious metals and gold, uncut diamonds without a licence or permit, surface and underground trespassing on ownerless, active and derelict mines.

### **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.

### **Preliminary inquiry**

The number of preliminary inquiries in terms of Section 43 of the Child Justice Act, 75 of 2008, where an informal pre-trial inquiry is held.

### **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.

### **Review concluded**

In the TRC matters, a review is concluded by a decision to either institute criminal prosecution, decline to prosecute or request the opening or re-opening of an inquest.

### **Rhino prosecutions**

Rhino cases relates to the killing or attempted killing or injuring of a rhino in order to dehorn it or the possession, transportation, dealing in (trading) and importing or exporting of rhino horn without a legitimate permit. It also includes all incidents where accused are found to be trespassing where rhinos are being kept whilst being in possession of any instrument capable of removing a horn, under circumstances where the only reasonable inference to be drawn is the death or injury of the rhino in order to obtain its horn and it forms part of environmental crime.

### **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.

### **Specialised prosecutor**

A prosecutor with a particular skill set and experience that has been assigned to deal primarily with the prosecution of certain crime types.

**Suspended sentence**

Means the number of cases where an application was made to put a previously suspended sentence into operation, irrespective of whether the suspended sentence was put into operation or not.

**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.

**Terrorist**

The term terrorist refers to any natural person who: (i) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and wilfully; (ii) participates as an accomplice in terrorist acts ; (iii) organises or directs others to commit terrorist acts ; or (iv) contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act.

**Terrorist act**

A terrorist act includes:

- (a) an act which constitutes an offence within the scope of, and as defined in one of the following treaties: (i) Convention for the Suppression of Unlawful Seizure of Aircraft (1970); (ii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); (iii) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); (iv) International Convention against the Taking of Hostages (1979); (v) Convention on the Physical Protection of Nuclear Material (1980); (vi) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts

against the Safety of Civil Aviation (1988); (vii) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); (viii) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (2005); (ix) International Convention for the Suppression of Terrorist Bombings (1997); and (x) International Convention for the Suppression of the Financing of Terrorism (1999).

- (b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organisation to do or to abstain from doing any act.

#### **Terrorist financing**

Terrorist financing is the financing of terrorist acts, and of terrorists and terrorist organisations.

#### **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 statement**

Victim Impact Statement (VIS) is a written voluntary statement by a victim and/or their family (caregiver) member or someone authorised by the victim with regard to the

emotional, physical and financial effect the crime has had on the victim's life. The VIS is admitted by prosecution as evidence and utilised at sentencing.

**Violent protests and industrial actions**

Means any crime stemming from or related to violent public protests or industrial actions irrespective of the legitimacy of such protests or actions.

**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.

**Witness**

Means any person who is or may be required to give evidence, or who has given evidence in any judicial proceedings.

**Witnesses assisted by CPOs**

Means the witnesses prepared for court through the use of age appropriate court preparation programme (Ke Bona Lesedi) by Court Preparation Officer (CPO), Victims Charter; Victim Impact Statements; education and awareness programmes within the reporting period.

## Part D - Technical Indicator Descriptions (TID) Annual Performance Plan

	1
<b>Indicator title</b>	<b>Conviction rate</b>
<b>Definition</b>	The percentage of cases finalised with a verdict in which a guilty verdict was obtained from all court fora, HC, DC, RC and dedicated courts.
<b>Source/collection of data</b>	Daily court returns
<b>Method of calculation</b>	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.
<b>Assumptions</b>	Proper screening of dockets.
<b>Disaggregation of Beneficiaries (where applicable)</b>	Not Applicable.
<b>Spatial Transformation (where applicable)</b>	Not Applicable.
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	87% in the HC; 74% in the RC; 88% in the DC; 93% in complex commercial crime; 70% in sexual offenses
<b>Indicator responsibility</b>	DNDPP: NPS
	2
<b>Indicator title</b>	<b>Level of quality of prosecutions</b>
<b>Definition</b>	Measures quality of service rendered by prosecutors as viewed by key stakeholders (members of the judiciary, legal practice counsel, investigating officers of the SAPS) and focusses on case preparation, case presentation, argument, communication, knowledge and interpretation of law, and decision making.
<b>Source/collection of data</b>	Internal survey
<b>Method of calculation</b>	Aggregation of responses received from identified participants.
<b>Assumptions</b>	Budget allocated to the survey, completion of survey.
<b>Disaggregation of Beneficiaries (where applicable)</b>	Not Applicable.
<b>Spatial Transformation (where applicable)</b>	Not Applicable.

Reporting cycle	Annual progression on 5-Year target
Desired performance	Baseline
Indicator responsibility	DNDPP: Administration
	3
Indicator title	<b>Number of witnesses and related persons threatened, harmed or killed whilst on the witness protection programme</b>
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.
Reporting cycle	Quarterly
Desired performance	0
Indicator responsibility	SD: OWP
	4
Indicator title	<b>Number of persons convicted of private sector corruption</b>
Definition	Conviction of private sector persons that committed offences relating to corruption
Source/collection of data	NPA Daily Court return
Method of calculation	Simple count of persons/companies convicted of private sector 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
Reporting cycle	Quarterly
Desired performance	150

<b>Indicator responsibility</b>	DNDPP: NPS
<b>Indicator title</b>	<b>Number of government officials convicted of corruption and/or offenses related to corruption</b>
<b>Definition</b>	Conviction of government officials that committed offences relating to corruption
<b>Source/collection of data</b>	NPA Daily Court return
<b>Method of calculation</b>	The total number of government officials convicted of corruption in the reporting period
<b>Assumptions</b>	Quality investigation of cases, proper screening of dockets, cases to be prioritised for prosecution.
<b>Disaggregation of Beneficiaries (where applicable)</b>	Not applicable
<b>Spatial Transformation (where applicable)</b>	Not applicable
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	220
<b>Indicator responsibility</b>	DNDPP: NPS
<b>Indicator title</b>	<b>Number of convictions in cases involving money laundering</b>
<b>Short definition</b>	To measure the effectiveness of the NPA in dealing with cases involving money laundering offences
<b>Source/collection of data</b>	NPA daily court returns
<b>Method of calculation</b>	Simple count of convictions obtained in money laundering cases
<b>Assumptions</b>	Quality investigation of cases, proper screening of dockets, cases to be prioritised for prosecution.
<b>Disaggregation of Beneficiaries (where applicable)</b>	N/A
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Baseline
<b>Indicator responsibility</b>	DNDPP: NPS
<b>Indicator title</b>	<b>Value of freezing orders obtained for corruption or offences relating to corruption</b>
<b>Definition</b>	Value of assets frozen in freezing orders obtained in the reporting period
<b>Source/collection of data</b>	Case report form that is captured in a central data sheet

<b>Method of calculation</b>	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
<b>Assumptions</b>	Investigations are completed and assets attached
<b>Disaggregation of Beneficiaries (where applicable)</b>	Not applicable
<b>Spatial Transformation (where applicable)</b>	Not applicable
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	R2.4bn
<b>Indicator responsibility</b>	DNDPP: AFU
<b>Indicator title</b>	<b>11</b>
<b>Definition</b>	Value of recoveries relating to corruption or related offences
<b>Source/collection of data</b>	The amount of recoveries including payments paid to CARA or victims of crime in terms of court orders
<b>Method of calculation</b>	Serious corruption register
<b>Assumptions</b>	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.
<b>Disaggregation of Beneficiaries (where applicable)</b>	Investigations are completed and court order granted to forfeit and recover
<b>Spatial Transformation (where applicable)</b>	Not applicable
<b>Reporting cycle</b>	Not applicable
<b>Desired performance</b>	Quarterly
<b>Indicator responsibility</b>	R1.4bn
<b>Indicator title</b>	<b>12</b>
<b>Definition</b>	Number of operational TCCs in place
<b>Source/collection of data</b>	Demonstrates number of fully functional TCCs which are added into the system
<b>Method of calculation</b>	SOCA reports
<b>Assumptions</b>	Simple count of operational sites
	Allocation of additional budget, appointment of additional staff,

<b>Disaggregation of Beneficiaries (where applicable)</b>	Not applicable
<b>Spatial Transformation (where applicable)</b>	Not applicable
<b>Reporting cycle</b>	Annually
<b>Desired performance</b>	58
<b>Indicator responsibility</b>	DNDPP: NPS
<b>Indicator title</b>	<b>Number of public awareness sessions conducted</b>
<b>Definition</b>	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.
<b>Source/collection of data</b>	Communication's quarterly reports
<b>Method of calculation</b>	Simple count of number of sessions
<b>Assumptions</b>	Revision of the Communication Strategy, Budget allocation,
<b>Disaggregation of Beneficiaries (where applicable)</b>	Not applicable
<b>Spatial Transformation (where applicable)</b>	Not applicable
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	140
<b>Indicator responsibility</b>	DNDPP: Chief of Operations and Compliance (Title to be confirmed)