

Presentation to Portfolio Committee on Justice and Correctional Services

Progress on TRC Cases



National Prosecuting Authority
South Africa

01 June 2022

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Introduction

- Ensuring justice for the families and victims of apartheid-era crimes is a priority for the NPA. The lack of accountability for these heinous crimes continues to undermine the rule of law in SA
- Despite the delays, the NPA is now committed to delivering on this priority. We need to learn lessons from the past to secure the NPA's independence and credibility for the future
- Time is not on our side. That's why we are acting with urgency to develop strategies, capacities and partnerships to ensure progress in these cases
- Highlights from the past six months:
 - Established a dedicated TRC component under the DNDPP: NPS
 - Appointed additional dedicated capacity to focus on TRC matters. DPCI has done the same
 - Full-time TRC coordinator function in national office to drive internal and external collaboration

Introduction (continued)

- Highlights from the past six months:
 - Sharpened our prosecution-guided investigation approach in close partnership with DPCI
 - Under the co-ordinated guidance of the national office, we enhanced the capacity of DPP offices to prosecute these matters at provincial level, within the jurisdiction of where the offences were committed.
- Our efforts are paying off. We have seen substantial improvement over the last 7 months resulting in the re-opening of 38 new investigations into deaths of detainees.
- There are currently 97 matters under investigation with more matters identified for re-opening
- The Missing Persons Task Team (MPTT) established within NPS, has to date recovered the remains of 179 missing persons, of which 167 have been identified and returned to affected families.

Dedicated TRC Capacity

NPA		DPCI	
Total number of dedicated TRC prosecutors appointed in divisions: 16		Total number of dedicated TRC investigators appointed in the divisions: 33	
DPP: KwaZulu-Natal Division	4	Central Region: Head Office, Gauteng, Mpumalanga, Limpopo and North West	17
DPP: Western Cape Division	3	Coastal Region: Kwa-Zulu Natal	4
DPP: Gauteng Local Division	3	Eastern Region: Eastern Cape	8
DPP: Gauteng Division: Pretoria	1	Western Region: Western Cape	2
DPP: Limpopo Division	1	Karoo Region: Free State and North West	2
DPP: North West Division	1		
DPP: Eastern Cape Division	1		
Other: Head Office	2		

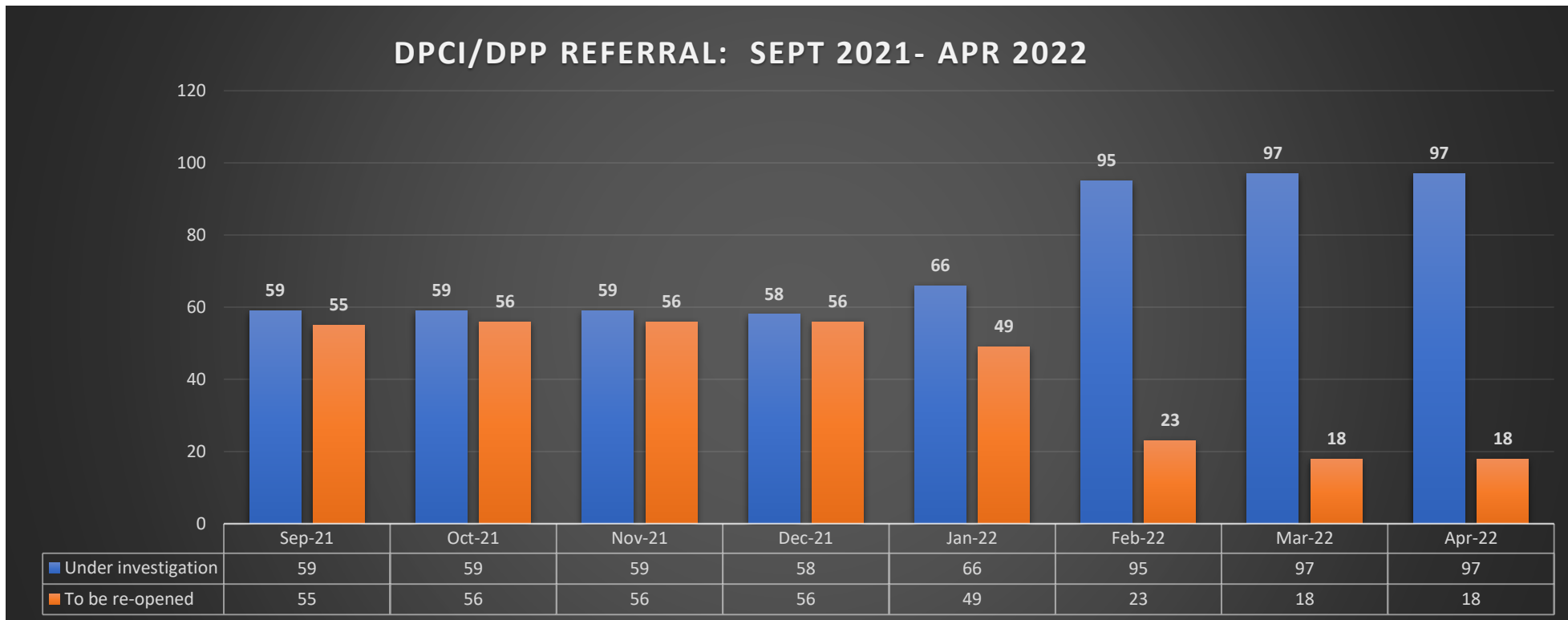
Progress update

- The audit of matters between DPCI and NPA was key in developing a co-ordinated and hands-on, standardised approach.
 - Matters were identified for fast-tracking with consideration given to the seriousness of the evidence, age of the matters, age of the accused/persons of interest/witnesses, availability of experts and witnesses and exhibits/records.
 - Divisions were encouraged to develop action plans with set time frames in respect of the strategic prioritisation and finalisation of matters.
 - There is a critical analysis of progress within the divisions on a monthly basis.
 - The dire need to prioritise TRC matters resulted in joint NPA/DPCI regional workshops co-ordinated by NPS National Office with effect from 13 June 2022.

Monitoring and Evaluation

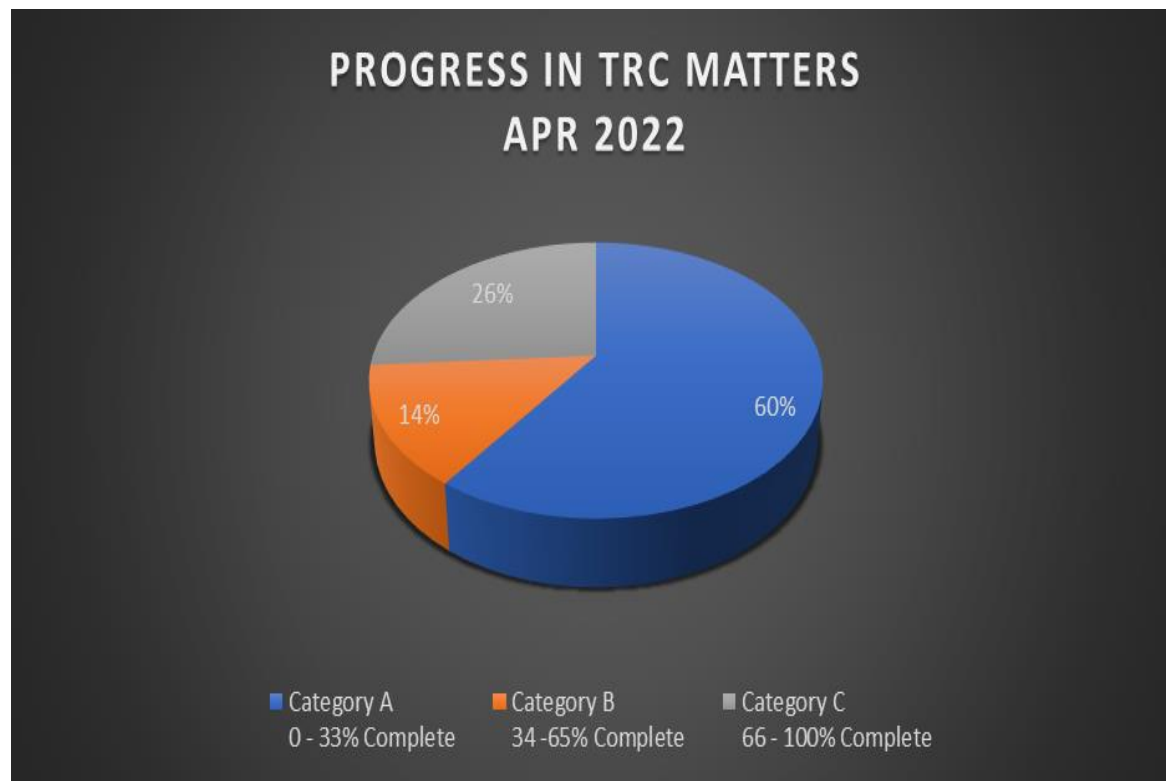
- Progress in investigations is divided into three categories:
 - Category A: Available evidence, docket, inquest report etc.
 - Category B: Expert reports.
 - Category C: Stages nearing completion of investigations and/or decision making.

Improvement in Cases under Investigation



- New investigations re-opened since September 2021: 38
- Awaiting re-opening: 18

Divisional Progress as at 30 April 2022:



PROGRESS IN TRC MATTERS - APR 2022				
Division	Category A 0 - 33% Complete	Category B 34 - 65% Complete	Category C 66 - 100% Complete	Total
ECD	10	3		13
FSD	2			2
GLD	4		4	8
KZN	5	2	12	19
LD	2	1	1	4
MD	2		1	3
ECD-MTHATHA	7			7
NWD	1	1	2	4
NCD	2		1	3
GDP	15	4	1	20
WCD	5	2	2	9
Total	55	13	24	92

Noteworthy matters

Case	Status
S V JA RODERIGUES -FINALISED	<ul style="list-style-type: none">➤ The matter was removed from the criminal roll of South Gauteng High Court on 30 September 2021 after the accused died on 07 September 2021. At the time of his death, the Accused's challenge to his prosecution was pending before the Constitutional Court.➤ On 14 January 2022, the Constitutional Court dismissed a bid by the Foundation for Equality before Law to have the appeal of Mr Roderigues ventilated.
DR AGGETT	<ul style="list-style-type: none">➤ On 04 March 2022, the South Gauteng High Court overturned the finding of the original Inquest court from suicide to murder. (The record of proceedings have been referred to the office of the DPP: Gauteng Local Division to consider the judgment of the inquest court).

Cases on the court roll

Case	Status
The re-opened inquest of MR ERNEST DIPALE	<ul style="list-style-type: none"> Evidence was led before the South Gauteng High Court into the re-opened inquest of Mr Dipale who also died under similar circumstances at John Vorster Square in 1982. Judgment is awaited.
Re-opened inquest of DR HH HAFJEJEE	<ul style="list-style-type: none"> Evidence has been led before the Pietermaritzburg High Court. Judgment is awaited.
COSAS 4	<ul style="list-style-type: none"> On the court roll South Gauteng High Court on 19 July 2022.
S v COETZEE AND ANOTHER	<ul style="list-style-type: none"> A trial date has been set for 6 - 17 June 2022. (Ms Nokuthula Simelane)
S v JOHAN MARAIS AND OTHERS	<ul style="list-style-type: none"> Matter postponed to 20 June 2022, Regional Court, Benoni (Mr Caiphus Nyoka)

Matters where decisions are imminent

Division	Number of matters
KZND	<ul style="list-style-type: none">• Four (4)
MD	<ul style="list-style-type: none">• One (1)
NWD	<ul style="list-style-type: none">• Two (2)
NCD	<ul style="list-style-type: none">• One (1)
GDP	<ul style="list-style-type: none">• One (1)
WCD	<ul style="list-style-type: none">• One (1) (Pending decision of the Minister, Imam Haron)
ECD	<ul style="list-style-type: none">• One (1) (Cradock 4)
TOTAL	Eleven (11)

The Way Forward

- The NPA leadership is committed to accountability for these serious crimes
- The NPA must act independently and fearlessly. Prosecution must be based purely on evidence irrespective of race, colour, creed or political affiliation
- The NPA is committed to working with families and stakeholders. A partnership and collaborative approach is key to making progress in a holistic manner
- We are acting with a sense of urgency to deliver impact and build sustainability of our capacity and engagement on TRC and other complex crimes
- We aim to build required permanent capacity, tailored training and capacity building initiatives, and broad partnerships to ensure that we can deliver justice for these crimes now and into the future



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Thank you

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