

REACHING
NEW HEIGHTS

20²²₂₃



National Prosecuting Authority
South Africa

ANNUAL
REPORT



The images on the outside front cover and inside cover are those of Mrs Victoria Mxenge and Mr Griffiths Mxenge, both civil rights lawyers and anti-apartheid activists, after whom the NPA Head Office Building is named – Victoria and Griffiths Mxenge Building.



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ACRONYMS

ACTT	Anti-Corruption Task Team
ADRM	Alternative Dispute Resolution Mechanisms
AFU	Asset Forfeiture Unit
APA	Africa Prosecutors Association
APP	Aspirant Prosecutors Programme
BLSA	Business Leadership South Africa
BRICS	Brazil, Russia, India, China, and South Africa
CARA	Criminal Assets Recovery Account
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CPP	Chief Public Prosecutor
CPA	Criminal Procedure Act
CPSI	Centre of Public Service Innovation
CPO	Court Preparation Officer
CTFC	Counter-Terrorism Functional Committee
DDPP	Deputy Director of Public Prosecutions
DG	Director-General
DIRCO	Department of International Relations and Cooperation
DNA	Deoxyribonucleic Acid
DNDPP	Deputy National Director of Public Prosecutions
DoJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crime Investigation
DPCI: CATS	Directorate for Priority Crime Investigation: Crimes Against the State
DPP	Director of Public Prosecutions
DPSA	Department of Public Service and Administration
ECMS	Electronic Case Management System
EITT	Economic Infrastructure Task Team
EWP	Employment Wellness Programme
ExCo	Executive Committee
FATF	Financial Action Task Force
FIC	Financial Intelligence Centre
FOSAD	Forum of South African Directors-General
GBV	Gender-based violence
GBVF	Gender based violence and femicide
GLD	Gauteng Local Division
HRM&D	Human Resources Management and Development
IAFCI	International Association of Financial Crime Investigators
IAP	International Association of Prosecutors
ICT	Information and Communications Technology
ID	Investigating Directorate
IMTT	Inter-Ministerial Task Team
IMU	Integrity Management Unit

IPAC	Independence, Professionalism, Accountability and Credibility
IPID	Independent Police Investigative Directorate
ISM	Information Systems Management
IT	Information Technology
JCPS	Justice, Crime Prevention and Security
KZN	KwaZulu-Natal
LAD	Legal Affairs Division
LEAD	Legal Education and Development
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer and Intersexed Plus
ManCo	Management Committee
MFMA	Municipal Finance Management Act, 56 of 2003
MLA	Mutual Legal Assistance
MMS	Middle Management Services
MOU	Memorandum of Understanding
MPTT	Missing Persons Task Team
MS	Microsoft
MTEF	Medium-Term Expenditure Framework
MTSF	Medium-Term Strategic Framework
NaPCOC	National Priority Crimes Operational Committee
NATJOINTS	National Joint Operational and Intelligence Structure
NCSMT	National Coordination and Strategic Management Task Team
NDPP	National Director of Public Prosecutions
NEEC	National Efficiency Enhancement Committee
NGO	Non-Governmental Organisation
NNFMCCC	National Non-Ferrous Metals Crime Combatting Committee
NOMM	National Operations Management Meeting
NPA	National Prosecuting Authority
NPS	National Prosecutions Service
NTR	Non-Trial Resolution
NTT	National Task Team
OCC	Organised Crime Component
OEA	Office for Ethics and Accountability
OECD	Organisation for Economic Co-operation and Development
OMF	Operations Management Framework
OWP	Office for Witness Protection
PCMC	Priority Crime Management Centre
PCSI	Priority Crime Specialised Investigations
PEEC	Provincial Efficiency Enhancement Committee
PCLU	Priority Crimes Litigation Unit
PFMA	Public Finance Management Act, 1 of 1999
POCA	Prevention of Organised Crime Act, 121 of 1998
PROMANCO	Provincial Meetings of Senior Management

ACRONYMS continued

PROVJOINTS	Provincial Joint Operational and Intelligence Structure
PTT	Provincial Task Team
REEC	Regional Efficiency Enhancement Committee
RRT	Rapid Response Team
SADC	Southern African Development Community
SAMLIT	South African Anti-Money Laundering Integrated Task Force
SAPS	South African Police Service
SARS	South African Revenue Service
SCCC	Specialised Commercial Crimes Court
SCCU	Specialised Commercial Crimes Unit
SDI	Service Delivery Improvement
SDIP	Service Delivery Improvement Plan
SDPP	Special Director of Public Prosecutions
SIU	Special Investigating Unit
SMO	Strategy Management Office
SMS	Senior Management Services
SOC	Strategy, Operations and Compliance
SOCA	Sexual Offences and Community Affairs
SPP	Senior Public Prosecutor
SSA	State Security Agency
STU	Specialised Tax Unit
TCC	Thuthuzela Care Centre
TOR	Terms of Reference
TRC	Truth and Reconciliation Commission
UN	United Nations
UNCAC	United Nations Convention Against Crime
US	United States
VAT	Value Added Tax
VPN	Virtual Private Network
WGB	Working Group on Bribery

CASE-RELATED ACRONYMS

ABB	Asea Brown Boveri
BAC	Bid Adjudication Committee
OCM	Optimum Coal Mine
NLC	National Lotteries Commission
PRASA	Passenger Rail Agency of South Africa
TERS	Temporary Employee/Employer Relief Scheme
SWC	Soccer World Cup



VISION

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



MISSION

Guided by the Constitution, we in the NPA ensure justice for the victims of crime by prosecuting without fear, favour or prejudice, and by working with our partners and the public to solve and prevent crime.



VALUES

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

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

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

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

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

These values are contextualised in the NPA Code of Conduct and underpin the National Director's value pillars of Independence, Professionalism, Accountability and Credibility, which are highlighted in this and previous reports.

STRATEGIC OUTCOMES

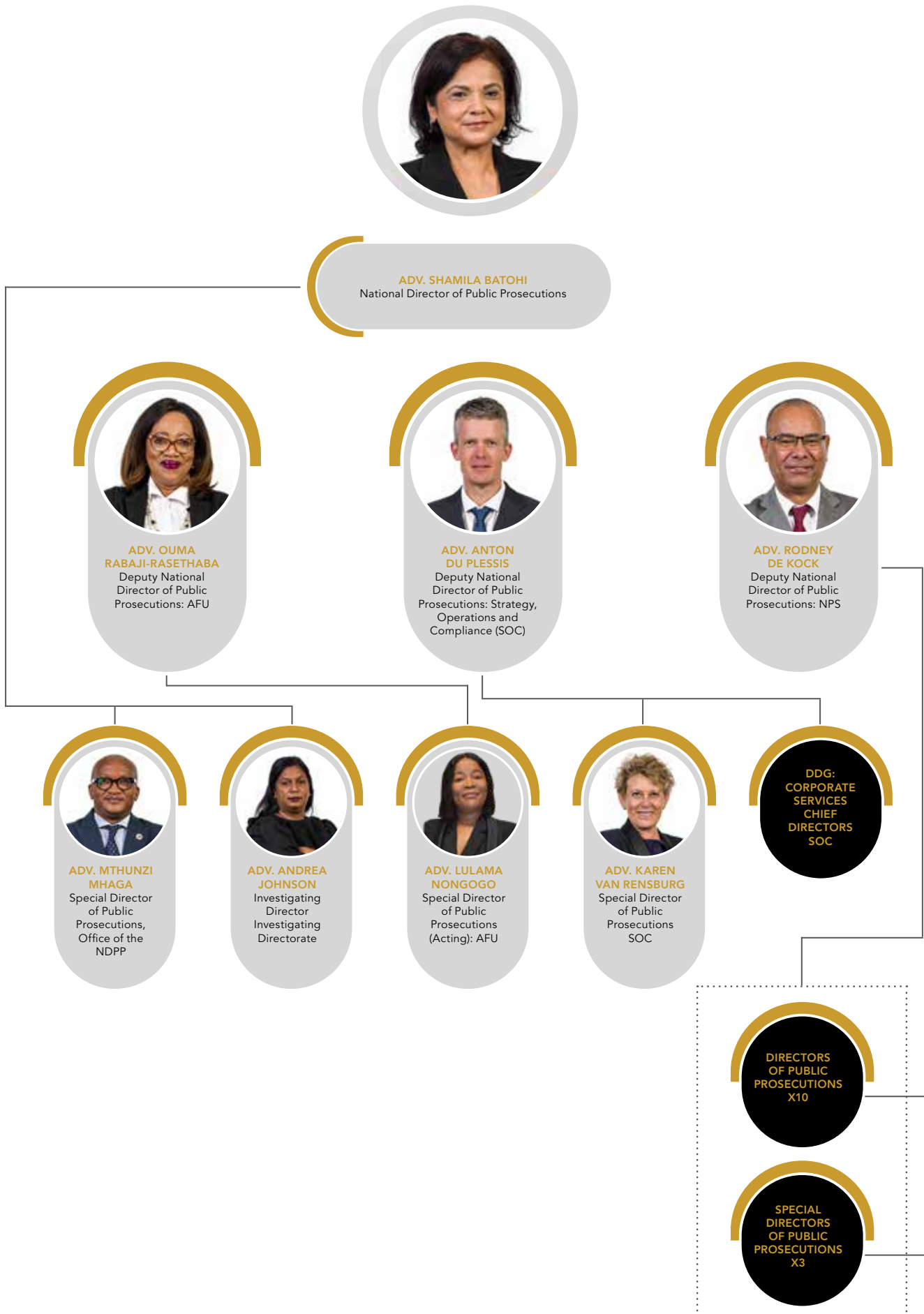
The strategic outcomes of the NPA for 2020-2025 are the following:

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

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

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

ORGANISATIONAL STRUCTURE



NATIONAL PROSECUTIONS SERVICE (NPS)

DIRECTORS OF PUBLIC PROSECUTIONS



MR BARRY MADOLO
Director of Public Prosecutions Eastern Cape Division



ADV. NAVILLA SOMARU
Director of Public Prosecutions Free State Division



ADV. SIBONGILE MZINYATHI
Director of Public Prosecutions Gauteng Division Pretoria



ADV. ANDREW CHAUKE
Director of Public Prosecutions Gauteng Local Division



ADV. ELAINE ZUNGU
Director of Public Prosecutions KwaZulu-Natal Division



ADV. IVY THENGA
Director of Public Prosecutions Limpopo Division



ADV. NKEBE KANYANE
Director of Public Prosecutions Mpumalanga Division



MR LIVINGSTONE SAKATA
Director of Public Prosecutions Northern Cape Division



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



ADV. NICOLETTE BELL
Director of Public Prosecutions Western Cape Division

SPECIAL DIRECTORS OF PUBLIC PROSECUTIONS



ADV. TRISH MATZKE
Special Director of Public Prosecutions: NPS



ADV. LEBO BALOYI
Special Director of Public Prosecutions: SCCU

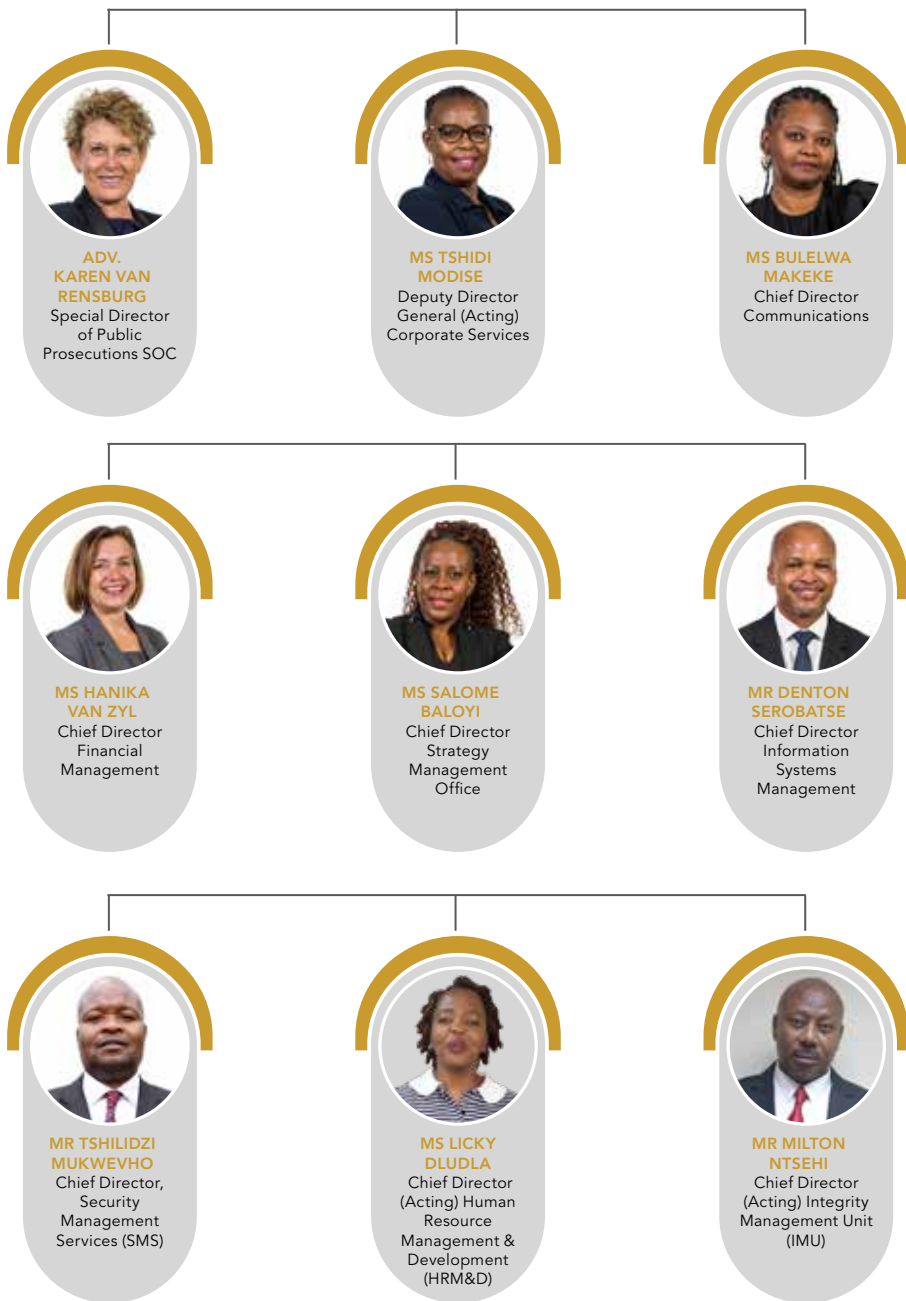


ADV. BONNIE CURRIE-GAMWO
Special Director of Public Prosecutions: SOCA

ORGANISATIONAL STRUCTURE – SOC



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





01

**FOREWORD BY THE
NATIONAL DIRECTOR**

FOREWORD BY THE NATIONAL DIRECTOR



The National Prosecuting Authority (NPA) is crucial to restoring the rule of law, strengthening public confidence in the administration of justice, and ending criminal impunity. For South Africa to succeed and prosper, we need a strong, dynamic resilient and fit-for-purpose NPA.

Over the past few years, against tremendous odds, we have succeeded in returning the NPA to a period of institutional growth and stability. Revitalising an organisation that was deliberately weakened during the state capture years, and restoring its credibility, required a clear ambitious strategy, driven by resolve and determination, and the right action. I am grateful to NPA staff, the NPA's justice system partners and stakeholders, and the South African public for their patience and support during the difficult time of rebuilding.

We have made notable progress in building a fit-for-purpose prosecuting authority. We secured funding to fill hundreds of senior positions and recruit young law graduates to ensure the long-term human resource needs of the organisation. We established numerous specialist positions to ensure effective prosecution in fields such as sexual and gender-based violence (GBV), commercial and organised crime, and environmental offences.

Organisational performance has continued to improve despite some unremitting challenges. The NPA successfully maintained high conviction rates and recorded a marked increase in case finalisation. In most of the high impact cases, an increase in verdict cases was noted: organised crime verdicts increased by 21% (193 to 234), but the challenge of enrolling cases involving kingpins remains. Conviction rates in serious complex tax verdicts increased by 20% (115 to 138). The NPA successfully prosecuted 134 government officials on charges related to corruption.

Sexual violence, GBV and femicide remain at unacceptably high levels in South Africa. The NPA continued to place special emphasis on prosecuting these matters. The high conviction rate of 74.8% for

these offences reflects a firm commitment to deliver justice to the victims of sexual violence and GBV. Two new Thuthuzela Care Centres (TCCs) were established during the financial year to further enable a victim-centred and court-directed approach.

The NPA continued with the successful prosecution of cable theft matters, already significantly exceeding the five-year Medium-Term Strategic Framework (MTSF) target of 80%. During the 2022/23 financial year, a high conviction rate of 86.2% was obtained by achieving 299 convictions from 347 verdict cases. But here as well, cases involving kingpins remain elusive. And unless they are prosecuted, we will not address this major problem.

In the anti-corruption sphere, we significantly expanded the capacity of the Investigating Directorate (ID) and are institutionalising its operations as an integral part of the NPA. The ID has enrolled 18 new matters this financial year – meaning a total of 34 matters have been enrolled with 203 accused over the last four years. Thirteen new investigations were authorised, totalling 97 matters authorised over the last four years.

Over the last year, the NPA's Asset Forfeiture Unit (AFU) secured freezing orders valued at R570m as part of its strategy to pursue the monies stolen by the perpetrators of corruption and the enablers and facilitators of state capture. The finalisation of two high value corruption cases contributed to the AFU obtaining recoveries in corruption and related matters to the value of R2.83bn during the financial year.

Cumulatively, R10.2bn has been frozen over the past four years of the five-year Medium-Term Expenditure Framework (MTEF) period. The NPA has recovered R2.55bn in state capture cases alone.

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

The details of the NPA's performance and the performance improvements over the past financial year are contained in the relevant parts of this Annual Report. Notably, the NPA's overall performance has improved by over 50% since 2021.

It was necessary to methodically revitalise the NPA to "future proof" the institution and prevent a recurrence of political "capture" to ensure that the NPA serves only the interests of justice and the people of South Africa. This has taken time, perseverance and strategic reform processes under difficult circumstances. After years of painstaking work, we are launching an Office for Ethics and Accountability (OEA) to proactively combat any unethical conduct by NPA staff and improve the delivery of NPA services throughout the country.

This year's NPA Annual Report is entitled Reaching New Heights, underscoring our determination to build a performance driven, innovative and forward-looking prosecution service. Our plans for the remainder of the 2020 – 2025 strategic period are ambitious and build on the solid foundation laid over the last three years.

We are engaging with the Department of Justice and Constitutional Development (DoJ&CD) and the Minister of Justice and Correctional Services to strengthen the independence of the NPA in line with Constitutional Court pronouncements, recommendations of the Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (the Zondo Commission), and international trends and best practices.

We are working with the DoJ&CD to establish the ID as a permanent entity of the NPA, with its own dedicated investigators. This will allow the ID to investigate and prosecute complex and high-profile corruption-related matters with a long-time horizon.

The NPA's focus on corruption prosecutions will continue in close cooperation with our justice-sector partners. This includes both high-level corruption cases and corruption at ground level, where the provision of state and municipal services have deteriorated because of widespread corruption.

It bears repeating that the NPA prosecutes without fear or favour. This is particularly important when it comes to the prosecution of powerful individuals in the public and private sectors. The NPA must be loyal to its constitutional mandate and follow the evidence in deciding whom to prosecute.

Such investigations are often complex and take time. The NPA must be given the space to properly prepare these cases for trial. Invariably some cases will be lost. We must respect the courts' decisions where the state is unable to prove all elements of a crime beyond a reasonable doubt. But rest assured we will do the very best we can.

To ensure accountability and justice, and in its efforts to end impunity, the NPA prosecutes and seeks appropriate sentences for convicted offenders. But the NPA's approach to accountability is not only about prosecutions, it is also about recovering the proceeds of crime. To that end, we are ramping up our efforts around asset forfeiture and recovery, including targeting monies illicitly hidden abroad.

For the remainder of our 2020 – 2025 strategic plan, our focus is on cementing the NPA's accomplishments and building a cutting-edge prosecution service. This includes deeper collaboration with partners in government, the private sector and civil society.

We have set ourselves a number of strategic priorities.

First, a Community Prosecution Initiative to strengthen partnerships between prosecutors, communities, police and local authorities to develop joint solutions to ongoing forms of public safety concerns, including serious and violent crime.

Second, a Prosecution Prioritisation Policy and Practice to prosecute more smartly and strategically, targeting repeat offenders and crime syndicate leaders together with their assets, as well as crimes that disproportionately undermine public safety.

Third, capacitating the NPA's specialised units to ensure they have the skills and resources they require.

Finally, amplifying the NPA's voice and strategic influence on priority matters within the Justice, Crime Prevention and Security (JCPS) Cluster. This includes developing an NPA strategy on organised crime after consultation with key stakeholders.

In closing, I wish to express my appreciation to the Minister of Justice and Correctional Services and his team for their ongoing support, my leadership team, prosecutors and other staff for their commitment and service to the people of South Africa.



Adv. S Batohi
National Director of Public Prosecutions

31 May 2023



02

**STRATEGIC
INITIATIVES**

STRATEGIC INITIATIVES

In its 2020-2025 strategic plan, the NPA seeks to ensure the long-term stability of the organisation, improve public perceptions and confidence in the NPA, instil a culture of high performance through impactful prosecutions and strengthen the rule of law in South Africa.

The NPA has developed several complementary strategic initiatives that have direct oversight from the NPA's Executive Committee (ExCo) and Management Committee (ManCo). These strategic initiatives underpin the work of the NPA in order to ensure effective and holistic implementation of the organisation's current strategy.

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



Restoring NPA Credibility

A key aspiration of the NPA over this period has been the restoration of the NPA's public credibility. Several of its strategic initiatives have been centrally focused on contributing to this important aim, as well as broader efforts to strengthen the performance of the institution as a whole. These initiatives have sought to increase public engagement and transparency relating to the work of the institution, strengthen internal ethics and integrity, and expand efforts to respond to the crimes that most affect local communities. These are discussed further below. Critically, key vacancies at the senior level were filled, which has been vital to improving the credibility of the NPA.



Establishment of the Office for Ethics and Accountability

The OEA will be a new structure within the Office of the National Director of Public Prosecutions (NDPP). It will elevate the key functions of ethics promotion and staff accountability to the highest levels of the institution. The NPA has created the framework for this new office and the Minister of Finance recently approved its financial model. Regulations for the OEA have been finalised and submitted to the Minister of Justice and Correctional Services for his final approval. All measures have been put in place to move ahead speedily on the establishment of the OEA once the regulations are approved.



Strengthening NPA Communications

A new Communication Strategy has seen the public profile of the NPA elevated through credible, accurate and explanatory public communications on key issues, including the progress of high-profile corruption and state capture cases. The increased use of digital streaming technology has enhanced the NPA's social media presence and improved the organisation's direct engagement with the public on key cases and other information about the organisation.

This is in line with the NPA's objective of maintaining a fair balance between the use of traditional (earned) media and owned media through digital platforms to increase audience reach. In the past year, the NPA introduced a communication series to inform the public of the activities of the Directors of Public Prosecutions (DPPs), entitled DPP Speaks, as well as pioneering the #KnowtheNPA campaign through its social media platforms. This initiative has been successful, and more detail is contained in the reports of the DPPs.

STRATEGIC INITIATIVES continued



Enhancing Organisational Capacity

Additional budgetary support has enabled the NPA to recruit specialised skills and better allocate its existing human resources. The NPA has added approximately 450 employees to its workforce in the past year, including promotions, external appointments and contract appointments in critical areas. The staff establishment is projected to grow by a further 120 persons in the coming year. It is through this additional resource allocation that the NPA has managed to sustain its flagship Aspirant Prosecutor Programme (APP), which continues to enrol the country's best law graduates. There are 344 recruits in the 2023/24 intake, of which 88% are youth in line with the programme's objective to promote youth employment. The remainder are existing employees who are making a career change. The equity profile of the recruits is in line with national targets.



Promoting Employee Wellbeing

The NPA's innovative culture enhancement initiative project is being implemented in phases. Various working teams – including an initiative team, values team and communication team – have been established to support the initiative and build an organisation based on the strategic pillars of independence, professionalism, accountability and credibility (IPAC).

A new service provider has been appointed to manage the NPA's Employee Wellness Programme (EWP). This comes at a critical time, when the need for stress and trauma interventions are in high demand, particularly with court based officials. The NPA has also developed and approved a new anti-harassment policy, which was workshopped through a series of awareness sessions.



Strengthening Performance through Skills Development

The NPA is rolling out a tailor-made management and leadership programme to enhance the skills and capability of its senior managers.

The NPA undertook a cutting edge and independent skills and capacity enhancement initiative to further develop its capability to prosecute complex corruption and organised crime. The initiative sought to assess and benchmark (both nationally and internationally) its skill levels within specialised components such as the Specialised Commercial Crimes Unit (SCCU), AFU, Organised Crime Component (OCC), ID and Specialised Tax Unit (STU).

The assessment highlighted that the NPA not only has a core of highly skilled people that it can build upon, but also a group of staff with baseline capabilities who can be developed. Overall, the national picture of demonstrated capabilities is good, with over 70% of the scores of staff indicated as established or advanced for both generic and technical capabilities.

The study identified that the age profile of NPA staff who are "established and advanced at their jobs" is in the 50 to 65 age range. The NPA needs to focus efforts on: (1) building the skills of those in the 40 to 49 age group and developing staff from "emerging" to "established" capability; and (2) proactively building a skills pipeline from general prosecutions into specialised roles.

Crime specialisation skills: the NPA reflects the most demonstrated capabilities relating to crime types such as fraud, money laundering and corruption in the specialised units. Many prosecutors and investigators below the age of 40 have not yet had the opportunity to demonstrate skills relating to the crime types that specialised units are tasked with handling.

Recommendations include the need for the NPA to establish a strategy for building specialisation, as well as developing capacity-building needs beyond training courses towards on-the-job skills transfer, e.g., mentoring and coaching. Focused interventions are required to ensure that skills are transferred, especially from staff who are nearing retirement.



Community Prosecution Initiative

This initiative involves prosecutors partnering with local stakeholders to collectively find long term sustainable solutions to specific crimes that most concern those communities. Working with communities to address the risk factors associated with the identified crimes is key, as is conducting strategic prosecutions. The initiative, which is

managed through the NPA's Sexual Offences and Community Affairs Unit (SOCA), has established 25 community prosecution sites that focus on obstinate drivers of crime and forms of criminality, such as alcohol abuse, GBV, substance and drug abuse, stock-the and illegal liquor outlets. The initiative is supported by nine community prosecutors – all senior public prosecutors (SPPs) – who drive the initiative across all NPA divisions. Specialist researchers have been appointed to independently monitor and evaluate the initiative.



International Cooperation and Engagement with Relevant International Organisations

The NPA has a responsibility in relation to mutual legal assistance (MLA) and extraditions. While these requests are channelled through the Director-General (DG): Justice and Constitutional Development as the Central Authority, implementation on the legal and criminal justice aspects rests with the NPA. In this regard, the NPA has established a component to coordinate MLA and extradition matters.

South Africa ratified the Organisation for Economic Cooperation and Development (OECD) Working Group on Bribery Convention on 19 July 2007, becoming the 37th country to do so. The Convention establishes legally binding standards to criminalise bribery of foreign public officials in international business transactions. The NPA is part of the Task

Team co-chaired by the Directorate for Priority Crime Investigation (DPCI) and SCCU, which is involved in coordinating the implementation of Additional Phase 3 recommendations, which include the investigation and prosecution of foreign bribery cases. The Task Team reports on its work to the Anti-Corruption Task Team (ACTT) Principals' meetings.

The NPA plays a role in the implementation of the United Nations Convention Against Corruption (UNCAC). It provided the necessary inputs to the country reports and continues to participate in the UN's assessment processes. Along with the coordinating national department – the Department of Public Service and Administration (DPSA) – and other role-players, the NPA actively participates in the G20 and Brazil, Russia, India, China and South Africa (BRICS) Anti-Corruption Working Groups that support the implementation of the UNCAC.

REQUESTS FOR EXTRADITION

34

Total number of new extradition requests.

18

Total number of outgoing requests to foreign States.

16

Total number of incoming requests received from foreign States.

YEAR UNDER REVIEW

REQUESTS FOR MLA

Total number of incoming formal requests received from foreign States.

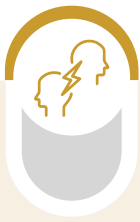
61

Total number of enquiries received from foreign States.

6

Total number of requests issued and transmitted to foreign States.

26



Corporate Alternate Dispute Resolution Mechanisms

In 2022/23, as part of its asset recovery strategy, the AFU spearheaded the development of an NPA approach to corporate Alternative Dispute Resolution Mechanisms (ADRM). The approach was developed, consulted on and approved by ExCo for implementation within the NPA. In terms of this approach, the NPA will make use of existing ADRMs and existing prosecution guidelines and directives to ensure accountability for companies that benefited from state capture. Prosecution guidelines will allow prosecutors to exercise discretion in the public interest not to prosecute the company but reach an agreement that the company must surrender the benefits of crime. Such decisions would not prevent the prosecution of directors or employees, or companies that fail to abide by the undertakings made.

Through existing policy and prosecution guidelines, the NPA will adopt an ADRM-based approach to ensure appropriate implementation of non-trial resolution (NTR) strategies. NTRs are an internationally recognised mechanism to resolve criminal matters against corporate entities to avoid a lengthy, resource-consuming trial and ensure disclosure and cooperation by companies involved in criminal acts. Its objective is to ensure the accountability of corporates. Properly implemented, NTRs enhance the rule of law, foster a corporate culture of integrity and encourage a culture of increased self-reporting.

The Zondo Commission recommended the introduction of legislation through which the prosecution of an accused corporation can be deferred on certain terms and conditions. The South African Law Reform Commission is considering deferred prosecution agreements as part of its review of the criminal justice system. This is a broad investigation that seeks to ensure efficiency in the adjudication and finalisation of criminal cases.

The potential impact of corporate ADRM was witnessed through the recently concluded corporate settlement with Asea Brown Boveri (ABB) that saw R2.55bn forfeited to the state. This matter is referred to in more detail later in this report.



Stakeholder Engagement

The Justice and Crime Prevention and Security Cluster

The NDPP is a member of the JCPS Directors-General Cluster Forum and also attends the Forum of South African Directors-General (FOSAD). She was co-chair of the JCPS Restructuring Task Team, which considered governance at the JCPS DG and sub-committee levels. The recommendations of the task team were considered and adopted by the JCPS DGs.

Anti-Corruption Task Team

The NDPP is the co-chair of the ACTT ExCo and serves in this capacity together with the head of the DPCI, General Lebeya. The ACTT ExCo provides strategic direction and oversight. There are a number of subcommittees reporting into the ACTT ExCo, which allows the ExCo to keep abreast of developments in these priority areas.

At a recent strategic retreat of the ACTT ExCo, a new strategic approach was adopted. This approach, which is aligned with section 17J of the South African Police Service (SAPS) Act, 68 of 1995, changes the architecture of the ACTT to become the National Priority Crimes Operational Committee (NaPCOC). A multi-disciplinary team has been established to draft a proposal on the alignment of various structures. The NDPP will co-chair the new structure, which will provide an oversight and coordinating function.

International Association of Prosecutors

The NDPP continues to serve as an executive member of the International Association of Prosecutors (IAP). The NPA has been an active member of the IAP for several years – this association enables the NPA to network with prosecuting authorities throughout the world.

The NDPP works with African colleagues on the IAP ExCo to strengthen the relationship with the Africa Prosecutors Association (APA), to ensure the role of prosecutors in maintaining the rule of law in Africa and globally, is supported.

As the secretariat of the Asset Recovery Inter-Agency Network of Southern Africa, South Africa, in partnership with the UN Office on Drugs and Crime, provides training to prosecutors from Africa through the prosecutor placement programme. This programme is designed to strengthen individual and collective efforts in asset recovery.

The NDPP and NPA's leadership nominated Adv Billy Downer, SC, as prosecutor of the year in view of remarkable prosecutorial and legal prowess and his demonstration of high levels of integrity and competence.

Africa Prosecutors Association

During the year under review, the office of the DPP of Kenya hosted two successful events that were attended by representatives of the NPA.

The Fourth Regional Conference of Africa and Indian Ocean was co-hosted by the East Africa Association of Prosecutors from 16 to 20 May 2022 in Mombasa, Kenya. The theme of the workshop was "Effective Mechanisms to Respond to Emerging Crimes and Transnational Organised Crime: Country Experiences and Challenges". The NPA's Adv P Biseswar made a presentation on "Asset Forfeiture and Recovery" as part of the response to addressing transnational organised crimes. The importance of collaboration between professional bodies like the IAP, APA and East Africa Association of Prosecutors was emphasised during this conference.

Kenya also hosted the APA's 16th Annual Conference and Annual General Meeting in Mombasa. The theme of the conference was "Strengthening Co-ordination and Collaboration Towards Effective Cross-Border Prosecution of Transnational Organised Crime". The NDPP and two NPA officials participated in this conference.

Memoranda of Understanding

On 23 December 2022, the NPA, SAPS (including DPCI) and the Special Investigating Unit (SIU) entered into a memorandum of understanding (MOU) to: share resources; establish a working methodology for cases referred by SIU to the NPA and in turn to SAPS (inclusive of DPCI); and establish a reporting mechanism for these cases. This MOU will ensure the earlier referral of criminal matters.

With the aim of supporting the bold and innovative strategy of the NPA, Business Leadership South Africa (BLSA) entered into a MOU with the NPA on 4 August 2022 to support the central role of the NPA in rebuilding the economy of the country through successful prosecution. The partnership provides appropriate in-kind strategic and capacity building support in priority areas as requested by the NPA.

On 24 March 2023, the NPA and the Public Prosecution Service of Autonomous City of Buenos Aires, Republic of Argentina, entered into a MOU to coordinate inter-institutional efforts and strengthen relations. The MOU aims to: enhance cooperation mechanisms on research, training, education and information exchange; conduct cooperation, MLA and technical activities; and work jointly to achieve common objectives.

On 22 December 2022, the NPA, SAPS-DPCI and Financial Intelligence Centre (FIC) entered into a MOU establishing the Anti-Financial Crime Coalition (AFCC) to facilitate a focused, harmonious and mutually beneficial relationship. The MOU aims to identify, manage, monitor and deliver impactful and timely results in identified high priority financial crime, money laundering and terrorist financing cases.



CASE LAW

High profile cases involving the NPA



State vs Zuma and Another

The Court dismissed the application for a special entry of an irregularity or illegality and leave to appeal on the grounds of section 317 of the Criminal Procedure Act, 51 of 1977 (CPA).

The Court found that, considering its lack of prospects of success, the accused's objections were frivolous and absurd, amounted to an abuse of the process of the Court and could not be made. The Court also observed that even where an irregularity or illegality had occurred, the question remained whether this would have caused a failure of justice.

In respect of the relief sought pertaining to reservation of questions of law, the questions were too vague to satisfy the legal requirement of certainty necessary for the proper reservation of questions of law. The application to reserve questions of law, or for leave to appeal in respect of the refusal to reserve questions of law, was dismissed.



Van der Walt and Another vs Director of Public Prosecutions and Another

This matter entailed an application for a permanent stay of prosecution and whether it could be considered by a magistrates' or regional court.

An order of a permanent stay of prosecution is a prohibitory interdict that, if granted, means the NPA can never prosecute that person in any court. A permanent stay of prosecution is not a remedy or relief that is provided for in section 342A(3) of the CPA, which is intended merely to eliminate a delay in criminal proceedings.

The relief of a permanent stay is so far-reaching that it could not be incidental to any other power that a magistrates' or regional court might exercise. Therefore, a magistrates' or regional court does not have jurisdiction to adjudicate on an application for a permanent stay of prosecution. Such applications must accordingly be lodged in the High Court.



National Director of Public Prosecutions vs Wood and Others

The NDPP obtained, ex parte, a restraint order in respect of the property of the first to sixth respondents. The order was subsequently discharged on the grounds that the NDPP had failed to make full disclosure of certain material facts relating to a consent order between the trustees of the family trust of the first respondent on the one hand, and the second and third respondents on the other (the Vally J order); and a settlement agreement that had been concluded between the fourth respondent, Regiments Capital, and Transnet (the Transnet settlement). That led to an appeal on the basis that the relevant disclosures were not material, and the Transnet agreement was at the time not within the knowledge of the advocate who deposed the founding affidavit and only came to her knowledge after the restraint order had been obtained.

The Court confirmed that it is settled law that the discharge of a provisional restraint order, whether on procedural grounds or not, is appealable. Such an order is final, in the sense required for appealability. While the NDPP could make a fresh application for a new provisional restraint order, the initial provisional order is rendered lifeless consequent on its discharge.

The Court emphasised that in bringing an ex parte application for a provisional restraint order, the NDPP is under an obligation to proceed with the utmost good faith. The applicant must disclose all material facts that might influence a court in coming to its decision. If the court finds that there has been a failure to disclose such material facts, it has the discretion to discharge the provisional restraint order for that reason.

As to the merits, the Court held that the Vally J order, if disclosed, was not the answer to the restraint application and therefore not materially relevant to the ex parte application. The court a quo had erred in rejecting the denial by the deponent to the founding affidavit of her prior knowledge of the Transnet settlement. Furthermore, the respondents acknowledged that Regiments had not paid the settlement amount to Transnet and, until such payment was made, the agreement was not relevant to the restraint proceedings. The advocate was under no obligation to investigate and enquire into the Transnet settlement's existence. That agreement was not material to the application for a provisional restraint order. Its non-disclosure was not a valid reason to discharge the provisional restraint, and the court a quo had erred in finding that it was.

The Court held that even if it were wrong in its view that there was no material non-disclosure, the court a quo should nevertheless have exercised its discretion in favour of the NDPP. The extent of the non-disclosure was limited and the consequences of discharging the order were grave in circumstances where the NDPP litigates in the public interest, and she had shown that she intended charging the respondents with corruption, which the Constitutional Court had said was potentially harmful to our most important constitutional values.

It was held that the Prevention of Organised Crime Act, 121 of 1998 (POCA), gives the court a discretion to grant a restraint order if it is satisfied that there are reasonable grounds to believe that a confiscation order may be made. This entails, firstly, whether there are reasonable grounds to believe that the relevant defendant may be convicted of relevant offences and, secondly, whether there are reasonable grounds to believe that the defendants benefited from the offences.

At this stage of the proceedings, the NDPP did not have to produce for the court all the evidence she would rely on for the purposes of the prosecution. She made it clear in her affidavits that the investigation was on-going and more evidence was likely to

come to light. The present proceedings were not criminal and therefore questions of the admissibility thereof for purposes of the criminal trial, whether in general or in respect of the first respondent specifically, were irrelevant. None of the evidence relied on by the NDPP to find reasonable grounds for believing that the defendants might be convicted on the corruption charges, or any of the other offences, was manifestly false or unreliable. This was underlined by the crucial fact that the respondents had failed to put up any substantial answer to the NDPP's case against the respondents on those offences.

In the circumstances, the appeal against the order of the court a quo had to be upheld. The appeal succeeded with the respondents ordered to pay costs. The NDPP's application for a variation of the restraint order by the NDPP to increase the quantum of the order was held to be competent and was granted.



Corporate ADRM with ABB

In line with the undertaking to consider the utilisation of ADRMs, the ID finalised a comprehensive settlement agreement with ABB to pay over R2.5bn in punitive reparations related to serious crimes committed at Eskom during the state capture period. This agreement was reached in line with Section 64(e) of POCA. The amount has been paid into South Africa's Criminal Assets Recovery Account (CARA). This punitive amount is in addition to the R1.6bn that ABB paid to Eskom in 2020.

ABB Ltd, an international company with a large South African footprint, was implicated in state capture era corruption. ABB has acknowledged liability, taken responsibility for the alleged criminal conduct of its employees involving contracts with Eskom, and cooperated with law enforcement agencies conducting investigations. It has assisted the NPA's ID to secure the evidence and key witnesses that have formed an essential part of the NPA's ongoing investigations into the company's alleged offences. It will continue to do so as part of the agreement.

This settlement agreement was negotiated with partner countries, including the United States (US), Switzerland, Italy and Germany. South Africa received the bulk of the settlement amount due to the nature of the crimes and the negative impact on the country and its people.

The settlement has the immediate benefit of saving the costs of a protracted trial against ABB Ltd and securing funds upfront for the fiscus while ongoing criminal investigations into implicated persons continue. The money paid into CARA may be used to strengthen South Africa's law enforcement agencies in their ongoing fight against serious corruption.

This settlement, however, does not indemnify any individuals involved in criminal conduct, including directors, staff and contractors of ABB. The NPA will continue to pursue these criminal prosecutions with the support of ABB, which has committed to ongoing collaboration to ensure accountability for the crimes allegedly committed by its employees. The settlement agreement makes it clear that the ID may proceed to prosecute ABB as a corporate entity if ABB breaches any terms of the settlement.



National Director of Public Prosecutions vs Knoop NO and Others

Through state capture and a company known as Tegeta Exploration and Resources (Pty) Ltd (Tegeta), the Gupta family acquired Optimum Coal Mine (OCM) for more than R2bn. The Court accepted that the State had established a *prima facie* case that there were reasonable grounds to believe that the property concerned was the proceeds of unlawful activities.

OCM and Tegeta were in business rescue. It was contended by business rescue practitioners and the National Union of Mineworkers that the relief sought from the preservation order was legally incompetent as the appointment of a curator would result in an irreconcilable conflict with Chapter 6 of the Companies Act, 71 of 2008, which *inter alia* places a general moratorium on legal proceedings that are brought against a company in business rescue, or that are brought in relation to any property of a company in business rescue. They also contended that the effect of the relief sought would deprive the employees of their vested rights and would infringe upon their rights to fair labour practices as enshrined in section 23(1) of the Constitution.

It was found, however, that the State had carefully structured the preservation order around the business rescue process. The preservation order would involve the appointment of a curator who would carry on the business together with the business rescue practitioners in the period between the granting of the order and the forfeiture stage. It also provided that the business rescue practitioners of OCM, subject to certain qualifications, would retain control of the business of OCM and would be entitled to exercise all powers in respect of that business that they had been lawfully vested with as business rescue practitioners.

The need to harmonise any potential conflict between provisions of POCA and that of the Companies Act was also illustrated by comparing companies not in business rescue with companies that were in business rescue. POCA could not only apply to companies that were not in business rescue. This would allow perpetrators of crime to hide behind business rescue and run away with the spoils. The business rescue process could continue with the oversight of the POCA appointed curator *bonis*.

It was also found that a preservation order was not a final order that would deprive the employees of their rights. It was accordingly held that there was no merit in the objections raised by the business rescue practitioners or National Union of Mineworkers against the proposed preservation order.

Part of the business rescue process or plan was the sale or disposal of OCM to Liberty Coal (Pty) Ltd (Liberty Coal). Liberty Coal was a subsidiary of Templar Capital Limited (Templar) and both these companies were controlled by McGowan. Templar had claims against OCM and McGowan had been a partner of the Gupta family. The State also applied for a preservation order against these claims as they were, on the State's contention, the proceeds and instrumentality of money laundering. The Court found that the State had made a *prima facie* case that there were reasonable grounds to believe that these claims were the proceeds of the crime of money laundering, and accordingly granted the preservation order.



Porrit and Another vs the NPA and Others

*The applicants wished to institute a private prosecution and needed the requisite nolle prosequi certificate. The NDPP had to consider the contents of a case docket before issuing a nolle prosequi certificate. However, the docket was missing and so the NDPP was not able, as a matter of law, to issue the certificate. The Court applied the principle of *lex non cogit ad impossibilia* – the law does not expect the impossible. The application was accordingly dismissed. The Court affirmed that:*

The decision to prosecute or not is made on the entirety of the contents of the docket and hinges essentially upon the question of whether the persons in respect of whom the complaint is made can be successfully prosecuted.

The Court reaffirmed the sequence of events that must follow leading up to the decision to prosecute or not to prosecute.

Legislative Amendments that Impact the NPA

The NPA has identified a focused team to provide inputs on relevant legislative amendments. The following submissions were made in the past financial year:

Permanence of the ID: In October 2022, a request for amendments to the NPA Act, 32 of 1998 was submitted to the DoJ&CD to give effect to the permanence of the ID. These amendments will give investigators the powers required to investigate matters within the mandate of the ID and will attract and retain skilled investigators.

Creation of the OEA: Draft regulations have been submitted to the Minister of Justice and Correctional Services for the creation of the OEA in the Office of the NDPP, in terms of section 40 read with section 22(5) of the NPA Act. These draft regulations have been approved by the Minister of Finance in terms of section 40(3)(a) of the NPA Act. The regulations are awaiting publication in the Government Gazette.

Legal Practice Act, 28 of 2014: Proposals were submitted to the DoJ&CD to address the admission and enrolment of prosecutors as advocates, which was provided for in terms of the Admission of Advocates Act before this Act was repealed by the Legal Practice Act. The proposed amendments are also aimed at addressing the duplication of mechanisms governing professional conduct of state advocates and the payment of fees to the Legal Practice Council.



03

**PERFORMANCE
INFORMATION**

PERFORMANCE INFORMATION

Strategy, Operations and Compliance

Under its current 2020 – 2025 Strategy, the NPA is rebuilding to become a cutting-edge prosecution authority that can respond to the divergent challenges facing the criminal justice system. This can be achieved by maintaining a well-functioning strategic and operational environment that drives effectiveness, while observing compliance with relevant legislation and prescripts.

Strategy, Operations and Compliance (SOC) functions as the engine room of the NPA's core business units, responsible for ensuring that the NPA is well governed and resourced so that it can deliver on its core mandate effectively, within budget, with proper oversight and reporting, and in line with the NPA's values of IPAC.

Our transition from Administration to SOC has reached a state of maturity and our role became well understood and appreciated, within the NPA and externally. SOC continued to collaborate with other business units to ensure the holistic implementation of the NPA's strategy and relevant compliance frameworks, including providing support in organisational development processes of NPA units such as the ID, AFU, Legal Affairs Division (LAD) and Integrity Management Unit (IMU).

This institutionalised status entailed a fundamental repositioning of the strategic and operational support services of the NPA, and a focused effort to streamline and professionalise these services. This has had a concomitant effect on the enhanced pride and work-ethic of key SOC staff, and a growing awareness of – and appreciation for – SOC's work throughout the NPA.

In the year ahead, SOC will further tailor its support to the NPA's strategic focus on high-level and complex corruption and organised crime matters, including focusing on the four strategic priorities identified for 2023.

SOC will do this by continuing to respond to fundamental challenges by delivering capable and competent human capital. The aim will be to enhance the NPA's internal and external communication and media reach, develop systems and procedures to protect and keep the staff safe, provide information technology support, produce proactive and advanced research, planning and performance reporting, advocate for prudent financial management and finally build an ethical and accountable work-force culture.

Strategic and Operational Support to NPA Business Units

SOC provides ongoing support to NPA Business Units and regional offices to enhance the implementation of the NPA's strategy and relevant processes. This support is coordinated by the DNDPP and Special Director of Public Prosecutions (SDPP) in SOC, with support from relevant Chief Directors and service centres. This tailored support is a key pillar in SOC's broader effort to drive strategic and operational coherence throughout the organisation.

In the year under review, SOC supported the restructuring and repositioning of LAD to improve its overall operational efficiency and establish sustainable processes and systems. In particular, SOC contributed to addressing the qualified audit of the Contingent Liability and Provisions register handled by LAD and drove the process of developing a Civil Litigation Policy and decentralisation proposal. These are set out in more detail in the LAD report.

SOC also provided extensive support to the ID and AFU. A priority for the ID was the implementation of an initiative in response to the Zondo Commission report, which decided that the ID should be made a permanent entity with expanded criminal investigative powers and enhanced partnerships. This '3P initiative', which refers to Permanence, Powers and Partnerships, is a NPA priority that has made important progress in recent months, despite delays in the finalisation of the required legislative amendments.

SOC also provided strategic support to the AFU in its drive to redesign the AFU of the future, which includes a marked shift in focus towards organised crime and international asset recovery.

Policy Review

SOC undertook a comprehensive policy review process to ensure that all relevant NPA policies are aligned, streamlined and fully compliant with relevant prescripts and the broader regulatory environment. The aim was to make NPA policies more broadly understood and simpler to implement.

Following extensive consultations, 54 policies were reviewed and updated. Of these, 31 have been approved and communicated to staff with the remaining approved in the new financial year. SOC is planning an awareness month to familiarise staff with the new policies. Innovative communication tools will be employed to package the policy content in a simple and clear manner.

Financial Management

Financial Management ensures that the NPA optimises its budget allocation to deliver on its mandate while remaining compliant with relevant government frameworks and guidelines.

The overall allocation for the NPA was an adjusted budget of R4.956bn in the financial year. This budget allocation includes the additional MTEF budget allocations for the capacitation of the NPA (R200m) and the ID (R62.2m). The NPA spent 101.06% of its allocated budget, before virement and 99.72% after virement. The overspending of R52.4m before virement was made in consultation with the DoJ&CD and relates to the cost-of-living adjustment, appointments, witness fees, computer services and protection services. After virement, the NPA reflects an underspending of R13m due to underspending in respect of machinery and equipment. The NPA's expenditure increased by 8.72% from R4.611bn in the 2021/22 financial year to R5.013bn during the year under review.

Reflecting government's commitment to implementing the recommendations of the Zondo Commission, the NPA was allocated additional funding of R1.3bn over the next MTEF period. The NPA will utilise this funding to increase the capacity of the ID and its various specialised units and related capacities.

Table 1: Expenditure report

Sub-programme name	2022/23			2021/22		
	Final appropriation R'000	Actual expenditure R'000	(Over)/under expenditure R'000	Final appropriation R'000	Actual expenditure R'000	(Over)/under expenditure R'000
National Prosecutions Service	3 827 049	3 827 049	–	3 671 108	3 671 108	–
Investigating Directorate	192 524	178 534	13 990	0	0	–
Asset Forfeiture Unit	219 560	219 560	–	173 441	173 441	–
Office for Witness Protection	213 693	213 693	–	197 136	197 136	–
Support Services	574 344	574 344	–	569 634	569 398	236
Total	5 027 170	5 013 180	13 990	4 611 319	4 611 083	236

Note: The ID sub-programme was created as of 1 April 2022.

PERFORMANCE INFORMATION continued

Table 2: Budget allocation per economic classification

Economic classification	National Prosecutions Service R'000	Investigating Directorate R'000	Asset Forfeiture Unit R'000	Office for Witness Protection R'000	Support Services R'000
Compensation of employees	3 667 234	87 614	177 115	102 443	227 678
Goods and services	139 688	88 627	40 548	110 121	292 630
Payment of capital assets	4 192	109	6	55	41 261
Other	15 935	2 184	1 891	1 074	12 775
Total	3 827 049	178 534	219 560	213 693	574 344

The NPA further improved on its financial management and governance. There was only one incident of irregular expenditure amounting to R271 432.00 due to non-compliance with supply chain management processes and policies. Fruitless and wasteful expenditure was limited to R44 391.90, the full amount of which has been fully disclosed.

In-kind Donations and Partnerships

SOC spearheaded the NPA's efforts to develop partnerships that bring bold and innovative interventions to deliver on its mandate in the most cutting-edge and sustainable manner. This includes the development of partnerships with external organisations from civil society and the private sector, all the while protecting the objectivity and independence of the NPA. These partnerships have resulted in key capacity building and strategic initiatives that have promoted the NPA's ability to respond to complex challenges. SOC ensures that these partnerships are managed in full compliance with relevant prescripts and delegations.

Through these partnerships, the NPA received in-kind donations and sponsorships amounting to R43.5m during the financial year. These donations can be grouped into four broad categories, namely:

- BLSA provided tailored capacity building and strategic level support to various Business Units
- Local donors, including non-profit organisations and businesses, for employee development and capacitation
- Local legal practitioners in the form of pro bono professional and corporate support services
- Local retail businesses supported the TCCs in response to GBV by providing consumables and other resources for the day-to-day running of the TCCs.

Communications

The Communications Unit led the SOC's focus on enhancing the NPA's strategic and proactive communication and contributed to the achievement of entrenching the NPA's IPAC values in the day-to-day work of employees, with specific focus on professionalism and credibility. The NPA helped shape the narrative on the rule of law and justice in South Africa in meaningful ways through a variety of communication platforms and approaches.

Among the projects undertaken by communications was the DPP Speaks media briefings, which have significantly increased the visibility of the DPPs in the media and, going forward, will be an annual event.

Communicating the work of the NPA focused on both proactive and reactive engagements. The Unit made significant strides in crafting opinion editorials on specific matters of public interest, focusing on state capture and other corruption-related matters.

The NPA's social and digital media footprint showed a marked increase over the course of the year. This is in line with the unit's objective of balancing the use of traditional media platforms with digital, owned communication platforms, including Facebook, Twitter and YouTube.

The Unit continued to participate in public education awareness campaigns with some led by the NPA and others in partnerships with other relevant stakeholders to popularise the work of the NPA, especially through community outreach events.

Strategy Management Office

The Strategy Management Office (SMO) plays the role of ensuring the NPA delivers on both its short and long-term strategic initiatives and upholds a culture of planning, risk assessment and reporting on organisational performance.

SMO led several initiatives during this period, including the following key achievements:

- Development, co-ordination and monitoring of the implementation tools adopted by the NPA ExCo and ManCo.
- Establishment of a Risk Champion Forum to build a risk conscious NPA.
- Spearheading the establishment of Innovation Teams across all divisions, as well as co-ordinating the training and capacitation of these teams through collaboration with the Centre for Public Service Innovation (CPSI).
- Re-establishing Service Delivery Improvement (SDI) within the organisation by reviewing and developing various SDI mechanisms or Operations Management Framework (OMF) building blocks.
- Collaborating with SOCA to support the Community Prosecution Initiative.
- Establishing a database of DNA records in support of SOCA with a total of 28 110 DNA records being captured in the database and used in several successful prosecutions.
- Development of the NPA Knowledge Management Strategy and population of the portal for the NPA.

Human Resources Management & Development

Human Resources Management and Development (HRM&D) continued to focus on capacitating the NPA and enhancing staff morale and wellness. It introduced several new initiatives aimed at enhancing staff morale across the organisation and ensuring that the NPA has the required human resources capacity to deliver on its vital mandate.

Transformation

The NPA revised its Employment Equity Strategy and continued to focus on increasing representativity at Senior Management Services (SMS) and professionally qualified levels. Through the ongoing recruitment process, women's representation in SMS increased

by 2% coupled with an overall increase of 2% in the employment of designated groups, mostly Africans.

The gender ratio in SMS levels is 44:56 in favour of males. However, the breakdown in key management/decision-making positions remains in favour of females at 65:35, which is above the norm for equal representation. In regard to professionally qualified staff, the ratio is 47:53 in favour of males.

Capacity Enhancement Initiative

The NPA needed to determine if it is adequately capacitated to respond to the scourge of complex crimes in the country. A comprehensive Capacity Enhancement Initiative was launched to establish the skills level in the NPA across specific crime types, including a comparison with other similar jurisdictions.

The objective of the initiative was to establish a reliable and detailed foundation of available capabilities to inform NPA human resources and other planning, capacity-building and recruitment. The review targeted the AFU, ID and NPS (SCCU, OCC and STU) and provides a model and basis for current and future skills requirements. This ground-breaking work will enable the NPA to take a targeted approach to training and capacity-building, including the re-enforcement of a supervisory and/or peer mentorship programme for skills transfer.

Training and Development

The NPA has embarked on training interventions that seek to strengthen the skills base for commercial crime-related cases targeting mainly prosecutors and investigators. Twenty-four different training programmes were conducted, reaching 422 employees during this financial year. Sessions during the training covered topics like beneficial ownership, cybercrime, corruption and prevention of organised crime, among others.

In response to the challenge of GBV in this country, efforts continued to create awareness and equip not only employees but partners in law enforcement on combating of GBV. Training programmes covered domestic violence, maintenance, sexual offences, trafficking in persons and child justice. A further integrated training programme was conducted targeting SAPS and employees from the Departments of Health and Social Development, with about 26 training sessions concluded across the country.

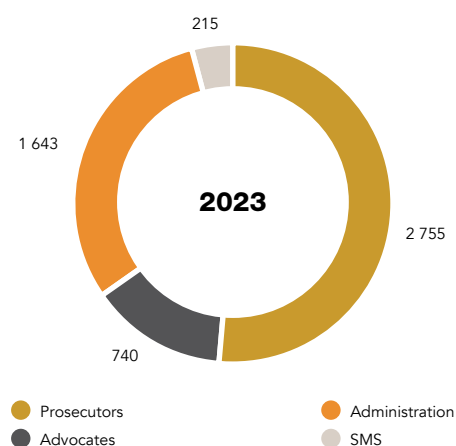
Table 3: Performance output indicators

Output indicator	2022/2023 Actual achievement	Comment on deviations (reasons for under- and over-performance)
Investigations successfully finalised: misconduct/incapacity	30 (77%) of 39 investigations were finalised	The delays were caused by the complexity of the cases.
Investigations successfully finalised: corruption related	2 (66%) of 3 investigations were finalised	The delays were caused by the complexity of the cases.
Enquiries successfully finalised: misconduct/incapacity	54 (86%) of 82 matters were finalised	Change of presiding officers, initiators and union/employee representatives. Non-cooperation of senior management with being witnesses and providing information.
Enquiries successfully finalised: corruption related	2 (66%) of 3 corruption related matters were finalised	The delay was caused by the employee’s various preliminary points.

Human Resources Attraction and Retention

Following additional funding from National Treasury, the NPA establishment was increased from 4 967 to 5 353 with the breakdown indicated in Figure 1 below. The capacitation of specialised units, especially the SCCU and the ID, remained a priority as a response to the Zondo Commission.

Figure 1: Total NPA establishment as of 31 March 2023



Employee Wellness Programme

A new service provider was appointed for the EWP, which led to the re-launching of EWP services to enhance employee access and utilisation of the services. A more focused stress and trauma management programme was rolled-out in response to the high demands across all the regions.

Integrity Management Unit

The IMU plays an important role in promoting the NPA’s IPAC values. IMU supports integrity and accountability processes for all employees to entrench a culture of integrity and the prevention of unethical conduct.

A total of 223 of the 281 fraud and corruption investigation cases received were finalised, a 79.3% finalisation rate. This achievement is significant, particularly considering the complexity of matters related to unethical conduct.

As part of the prevention strategies in dealing with unethical conduct, the IMU conducted four ethics interventions and 27 ethics workshops, disseminated 22 ethics communications, and hosted six ethics forums. Lifestyle verifications of the financial declarations via the e-disclosure system were conducted.

The work of establishing the OEA continued during this period and the final stage of this process has been reached. It is anticipated that the office will be operational in the next reporting period. This office will replace the IMU in its current form with a broader and clearer mandate once the regulations are signed off and gazetted by the Minister of Justice and Correctional Services. The OEA will be a new capacity for the NPA, drawing on lessons and experience from the IMU, to ensure that accountability and ethics remain at the forefront of the NPA's priorities.

Information and Systems Management

The Information and Systems Management (ISM) service centre provides information and communication technology (ICT) support and resources to the organisation. The primary focus of ISM is to enable modernisation and to place the NPA in the middle of growth and development in digital technology so that it can deliver on its mandate in the most technologically effective manner.

During the reporting period ISM extended the use of the Business Intelligence Solution to the NPS Annual Operational Plan. Microsoft (MS) Planner has been popularised in the NPA as a tool that was already available, without attracting additional costs for its use by the DPP offices and the ID for high-priority case management reporting.

ISM continued with the upgrade of the AFU case management system and the finance contract management system, which is expected to be concluded and operational in the next financial year. A network upgrade for approximately 69 SOCA sites is underway, with plans to support the additional 12 new sites. Two new DPP sites, Middleburg and Evander, were added to the network.

As part of supporting the NPA to bring efficiencies through modernisation, the training of prosecutors on the use of Electronic Case Management System (ECMS) was resumed as stats indicate a direct correlation between training and the use of the system. Systems utilisation will continue to be monitored as part of ensuring improved utilisation.

Security Management Services

The NPA has experienced an increase in the number of threats directed at prosecutors. Security Management Services provides physical and protective security, information compliance security and security coordination management for events.

There were several achievements during the reporting period, including:

- Provision of guarding services in 23 NPA building facilities with no significant breaches occurring.
- Pre-employment screening for 2 271 candidates.
- Security vetting concluded for 347 employees.
- Up to 50 NPA employees who have received threats because of their official responsibilities were admitted into the protective security programme at a cost of R50m.
- Provision of enhanced security at courts for 20 high-risk cases prosecuted by the NPA, in coordination with various external security stakeholders.

National Prosecutions Service

As the principal Business Unit responsible for the NPA’s constitutional mandate, the National Prosecutions Service (NPS) is tasked with instituting criminal proceedings on behalf of the State and upholding justice and the rule of law in South Africa.

Faced with a complex legal landscape and high incidence of crime, the NPS works tirelessly to ensure that those who violate the law are brought to justice. In collaboration with the AFU, the NPS also seeks to take the profit out of criminal activities, further deterring would-be offenders.

The power to institute and conduct criminal proceedings is conferred upon the DPPs, who are responsible for specific areas of jurisdiction within South Africa. Prosecutors are assigned the responsibility of carrying out prosecutions within Divisions, in the district, regional and high courts. Prosecutors in the magistrates’ courts prosecute more than 98% of cases, touching the lives of many victims. The work of the NPS is supported by Court Preparation Officers (CPOs).

Key Achievements

The NPS achieved 18 (78%) of the 24 indicators (one baseline) adopted in its Annual Operational Plan. One of the 24 was a new indicator on cybercrime that was added to determine a baseline.

In collaboration with the NPS’ partners, the prioritisation of cases has yielded significant results with the enrolment of 15 of the 46 high impact cases identified in the regions.

An Integrated Task Force chaired by the Deputy National Director of Public Prosecutions (DNDPP): NPS was introduced early in 2022 to coordinate the response of the NPA and DPCI to the recommendations of the Zondo Commission.

The establishment of an advisory panel of experienced prosecutors and investigators to hear and advise on cases has been a very successful initiative, increasing the confidence of prosecutors and investigators dealing with complex matters.

A central knowledge management portal has been developed to ensure that prosecutors are supported to tackle complex matters.



Members of SAPS and the DPCI from national and regional levels, supported by the Hanns Seidel Foundation (HSF), held a joint workshop from 8 to 10 June in Pretoria, to consider international perspectives from German experiences on cooperation and case prioritisation and to inform and formulate strategic and operational mechanisms to further strengthen cooperation between the NPA and the DPCI. Some of the key agreements flowing from the workshop were: the need for increased provincial coordination; co-location of investigators and prosecutors where possible; ensuring that investigating and prosecuting teams include all the necessary disciplines, including the AFU; and the need to prioritise matters.

The Financial Action Task Force (FATF) identified weaknesses in South Africa's implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other threats related to the integrity of the international financial system. The NPA played a lead role in the coordination of inputs from law enforcement agencies for the purposes of South Africa's submission to FATF late in 2022 and in early 2023. It continues to work closely with other law enforcement agencies to ensure that FATF's action plan recommendations are given effect and South Africa can be taken off the grey list as soon as possible. To this end, the NPA coordinates the implementation of the Law Enforcement Agency action plan and progress reporting.

Communication

The NPS appeared before different Parliamentary Committees during the year. In June 2022, the NPS presented to the Justice Portfolio Committee on the progress of Truth and Reconciliation Commission (TRC) cases and, in partnership with the DPCI, to the Portfolio Committee on Cooperative Governance and Traditional Affairs on the status of criminal cases opened in terms of Section 106 of the Local Government: Municipal Systems Act, 32 of 2000, within the Free State Province.

In July 2022, the DNDPP briefed the Special JCPS Ministerial Cluster meeting on violent crimes and economic sabotage offences, including theft of fuel from pipelines, extortion in the construction industry and truck burnings. The presentation included information from various committees monitoring essential infrastructure damage in collaboration with government departments and private sector entities such as the Rail Crime Combating Forum, Eskom Operational Committee and Eskom Priority Committee (in which all law enforcement agencies participate).

Performance management

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

Table 4: Conviction rates and decision dockets, 2019 to 2023

Indicator	2019/20 Actual performance	2020/21 Actual performance	2021/22 Actual performance	2022/23 Actual performance
Conviction rate in high courts	90.9% 782/860	93.8% 542/578	90.9% 648/713	89.2% 705/790
Conviction rate in regional courts	82.5% 21 246/25 744	82.2% 13 292/16 169	80.6% 16 433/20 385	82.6% 17 196/20 824
Conviction rate in district courts	95.3% 195 430/205 094	95.9% 116 230/121 208	93.9% 124 152/132 222	94.5% 139 979/148 186
Clearance ratio on decision dockets received	92.5% 897 622 dealt with	92.7% 858 155 dealt with	93.4% 843 911 dealt with	91.8% 855 628 dealt with

PERFORMANCE INFORMATION continued

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

Figure 2: New cases received by district courts (top 10 crime types)

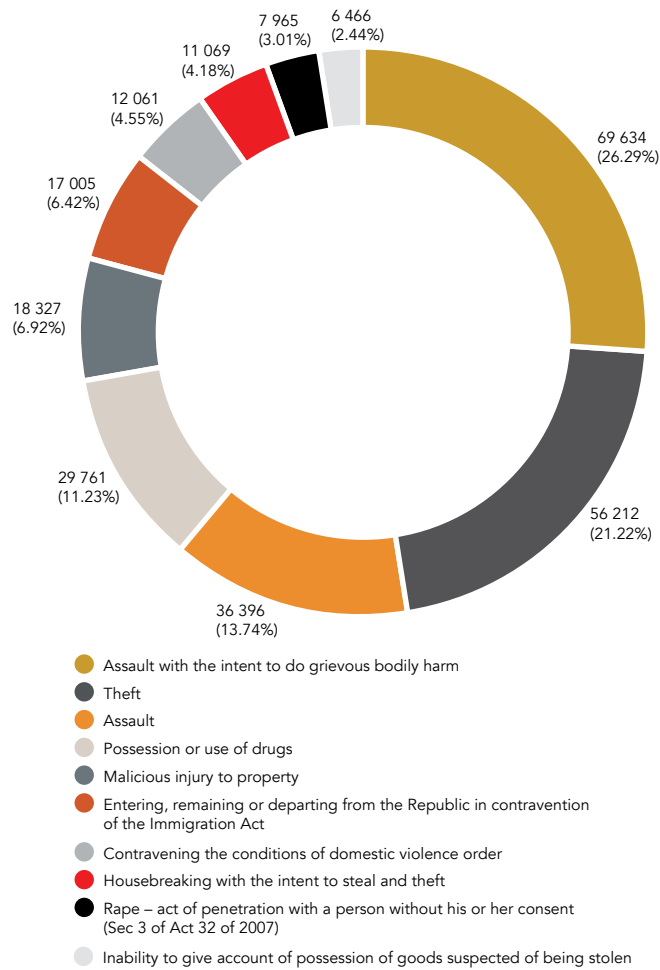
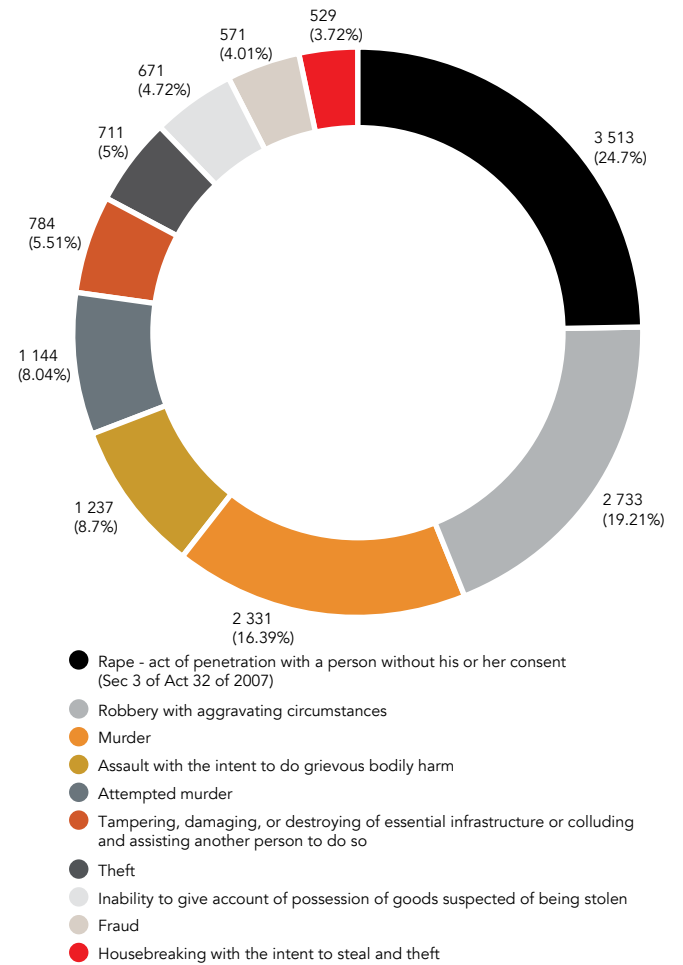


Figure 3: New cases received by regional courts (top 10 crime types)



The conviction rate in the regional courts is lower than the district courts as the crimes frequently relate to offences committed by perpetrators unknown to the victims, such as cases of rape, robbery and murder.

Corruption, Complex Tax and Money Laundering

Money laundering and terror financing are key concerns of investment partners and are renewed areas of focus for our country, especially in light of FATF's findings.

Key areas for the NPA to address include: demonstrating a sustained increase in outbound MLA requests; timely follow up on MLA requests, particularly with regard to money laundering, terror financing and asset forfeiture; a sustained increase in proactive requests for financial intelligence from the Financial Intelligence Centre (FIC) in the case of money laundering and terror financing investigations; and a sustained increase in the prosecution of serious and complex money laundering cases, particularly money laundering networks, professional enablers, third party laundering and foreign predicate offenders, as well as the identification, seizure and confiscation of proceeds of crime and instrumentalities of offences.

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

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

Table 5: Corruption, complex tax and money laundering, 2019 to 2023

Indicator	2019/20 Actual performance (Numbers)	2020/21 Actual performance (Numbers)	2021/22 Actual performance (Numbers)	2022/23 Actual performance (Numbers)
Number of government officials convicted for offences related to corruption	184	86	130	134
Number of persons convicted of private sector corruption	233	147	209	204
Conviction rate in complex tax cases	93.3% 112/120	88.5% 69/78	98.3% 113/115	96.4% 133/138
Number of cases finalised with verdicts involving money laundering	72	62	86	85



Notable cases

The following are examples of high-profile corruption cases enrolled in 2022/2023:

“ Jozini

A former Jozini municipal manager and an accomplice were arrested by the Hawks on 15 September 2022 on charges of fraud, corruption and money laundering. It is alleged that the former municipal manager established a youth upliftment programme in 2014. He then ensured that the finance department paid the programme R5m for services that were not rendered.

“ Newcastle Municipality

The accused – Bhekani Mswane (municipal manager at Newcastle Municipality), Bhekisisa Hlongwane (CFO), Bonakude Consulting Pty Ltd (consultant to the municipality) and Velenkosini Lindokuhle Mtshali (sole director of Bonakude Consulting) – colluded to illegally extend an expired contract for Bonakude to provide consulting services that were no longer required to the Newcastle Municipality. Charges included fraud, contravening section 173 of the Municipal Finance Management Act, 56 of 2003 (MFMA), contravening section 6 of POCA and money laundering. It is alleged that Mswane and Hlongwe contravened the MFMA by incurring irregular and wasteful expenditure, and that Mtshali and Bonakude received the proceeds of the unlawful activities of Mswane and Hlongwe when they were paid because of the non-existent contract. The quantum is R7.8m.



Mpumalanga Public Works

Following an investigation, the DPCI (Hawks) in Mpumalanga arrested officials from the Department of Public Works and their business associates for corruption, fraud and money laundering. The six accused appeared in the Nelspruit Magistrates' Court on 29 September 2022. The officials are Deputy Chief Director Sipho Ronny Monareng (the alleged kingpin), Macdonald Boto Sigudla, state accountant Bandile Jacob Ngcebo and their business associates Maganeleng Antony Mashego, Whisky Delisa Khumalo and Tshidi Suzen Sedibe. It is alleged that during the COVID-19 pandemic, Monareng and other officials colluded with company directors who submitted claims in the amount of R1.38m for services that were never rendered. The accused were each released on R10 000 bail and will return to court on 31 May 2023 for trial.

The following corruption cases involving state capture, municipality and government officials were enrolled or finalised in 2022/2023:



State vs Y Moolla: KwaZulu-Natal (KZN) Division

The accused was sentenced in the Durban Specialised Commercial Crimes Court (SCCC) to 15 years imprisonment, after he pleaded guilty to 3 799 counts of fraud and multiple counts of contravening the Banks and Financial Advisory and Intermediary Services Act, 37 of 2002.

Between January 2011 and February 2015, Moolla operated a Ponzi scheme by promising investors that he would use their investments to deal and trade in diesel and petroleum products, providing them with a return of between 2% and 8% per month on their investments. He defrauded 3 799 investors of about R500m. He was arrested in 2016. Many investors had invested their pensions and life savings into the scheme. Moolla lived the high life on the proceeds of this crime, and the liquidators have only been able to pay out about 13 cents to the rand to investors.



State vs SD Shabalala: KZN Division

The former head of KZN's treasury was sentenced to 15 years' imprisonment for fraud, corruption, money laundering and contravention of the Public Finance Management Act, 1 of 1999 (PFMA).

The corruption occurred between 2004 and 2007 when Shabalala formed a relationship with Uruguayan businessman Gaston Savoi and the company Intaka Investments. Shabalala received R1.5m from Intaka Investments for the acquisition of Wataka water purification plants valued at R44m.



State vs DM Mthimkhulu: Gauteng Local Division (GLD)

The former head of engineering services at the Passenger Rail Agency of South Africa (PRASA), was convicted on three counts of fraud by the Johannesburg SCCC sitting in Palm Ridge.

Mthimkhulu was charged with nine counts of fraud for allegedly misrepresenting his qualifications to PRASA. As a result of this misrepresentation, the rail agency increased Mthimkhulu's annual salary from R1.6m to R2.8m.



State vs Mlandu Mabija: Western Cape Division (WCD)

The accused was convicted in the SCCC on 290 fraud charges to the value of R374 363.32. He was sentenced to eight years imprisonment.

SAPS used ABSA Bank Fleet cards to pay for fuel. With the assistance of a police officer, the accused obtained an ABSA Bank Fleet card from a police station, which he used to create cloned cards with the registration number of the vehicle used by the accused on the card. The original card was returned to the police station so that nobody knew the card was cloned. The accused used the cloned cards to pay for fuel.

The accused was caught when a petrol attendant saw the registration number on the card did not match the vehicle. The accused was arrested with the cloned card in his possession. The police officer who assisted the accused was also convicted and sentenced.



State vs Booth and Welgemoed: Mpumalanga Division

The Nelspruit (Mpumalanga) SCCC convicted and sentenced the accused to eight years' imprisonment after they pleaded guilty to corruption.

Booth was employed by the Department of Home Affairs as an Immigration Officer while Welgemoed was a member of the public. The pair offered to issue work permits to foreign nationals for R5 500. At the time that these offences were committed, Booth was on leave and completed notices for the applicants to appear before the DG of the Department of Home Affairs in Pretoria. These documents were presented to the foreign nationals as applications for work permits. There is no payment required to issue a notice to appear before the DG of the Department of Home Affairs.

The accused coerced and threatened the foreign nationals with deportation if money was not paid. Audio and visual recordings of the transactions were recorded when the DPP authorised the use of a trap in terms of section 252A of the CPA.



State vs Valero David and Others: GLD

The accused were convicted of fraud and collectively sentenced to 36 years imprisonment.

Former Ekurhuleni Municipality employees and businessmen defrauded the municipality of approximately R21.8m. The company that was charged was also convicted and sentenced to a fine of R600 000, which was suspended for five years on certain conditions. The AFU of the NPA also obtained a confiscation order against the ill-gotten assets of the accused.

The following money laundering cases were finalised in 2022/2023:



State vs Mark Vorster: Gauteng Division: Pretoria

Mark Vorster was convicted by the Pretoria SCCC and sentenced to six years for 11 counts of fraud, two years for theft and four years for money laundering worth more than R800 000. The court ordered that the sentences be served concurrently. A forfeiture order was made for a cash amount of R4 822 258.71.

Vorster, a Chartered Accountant who worked on a retainer fee, assisted six companies that were his clients to fraudulently claim for COVID-19 Temporary Employee/Employer Relief Scheme (TERS) with the Unemployment Insurance Fund (UIF) to the value of R4.8m.



State vs Stella Tebogo Mojapelo: Limpopo Division

The accused, a former councillor at the Polokwane Municipality, was convicted in the SCCC in Polokwane of corruption and sentenced to five years' imprisonment.

She requested payments in exchange for employment. A trap was set after a whistle blower reported this. She was then arrested for the corruption worth R2 000



State vs Selesho: Free State Division

Former SAPS administrative clerk Mpho Godfrey Selesho was convicted and sentenced to eight years imprisonment in the Bloemfontein Magistrates' Court on 175 counts of fraud and was also given an eight-year suspended sentence for the 62 counts of money laundering in terms of Section 4 of POCA. The court ordered Selesho to pay back R2.4m to the State; R500 000 immediately and the balance in monthly instalments.



State vs Voogd: Eastern Cape Division

The accused was sentenced to 15 years' imprisonment following her conviction on 30 charges of fraud and 17 charges of money laundering (contraventions of Section 4 of POCA).

The accused misused her position at a firm of accountants, paying large amounts from accounts under the control of her employer into her own accounts as well as the accounts of family members. The total amount involved was more R11.5m.



State vs Ping Wu: Gauteng Local Division

The accused was convicted on two counts under Section 6 of POCA (money laundering) and sentenced to five years direct imprisonment, because the accused had already been in custody for two years and six months awaiting trial.

The charges related to the accused having R1 075 000m in her possession, as well as three casino gambling chips valued at R100 000 each. These were part of the proceeds of the unlawful activities of another person related to an illegal rhino horn transaction.

The investigation and undercover operation was conducted by a multi-stakeholder team, including the DPCI, KPMG, financial service providers and the Department of Fisheries, Forestry and the Environment: Enforcement Fusion Centre and Environmental Management Inspectors and guided by the NPA OCC.

SPECIALISED COMMERCIAL CRIMES



87%

CONVICTION RATE
on government officials



22%

decrease in backlog cases in the dedicated Commercial Crimes Courts

2021 1040 ↔ 2022 808

87.1%
CONVICTION RATE
in SCCU cases



186
ACCUSED

FUSION CENTRE



CASES IN COURT AND FINALISED



51
cases in
COURT

ON ACTT LIST

19

CASES PARTLY HEARD

79



cases in court involving
363 ACCUSED



45

CONVICTIONS



58

ACCUSED SENTENCED



3

ACQUITTALS



48

CASES FINALISED IN COURT

21 cases enrolled in High courts

38

AFU recoveries

R320,3 m

Serious Violent Crime

Convictions were obtained in 2 982 of 3 738 murder crime cases finalised with a verdict – the conviction rate increased by 2.4% to 79.8%. Both the number of convictions and the number of cases finalised with a verdict increased significantly compared to the previous financial year.

Table 6: Conviction rates for murder and trio crimes, 2019 to 2023

Indicator	2019/20 Actual performance (Numbers)	2020/21 Actual performance (Numbers)	2021/22 Actual performance (Numbers)	2022/23 Actual performance (Numbers)
Conviction rate in murder prosecutions	80.1% 3 193/3 987	79.3% 2 123/2 676	77.4% 2 787/3 600	79.8% 2 982/3 738
Conviction rate in trio crimes	82.2% 1 355/1 649	85.2% 809/949	81.3% 1 038/1 277	82.7% 1 034/1 250

The fight against violent crime, particularly murder and rape, was impacted by the challenges around the management of forensic DNA due to shortages of essential chemicals required for DNA analysis. The SAPS Forensic Science Laboratories are addressing these challenges. The NPA project to build a DNA database, as outlined below in the SOCA report, has made a significant impact on the backlogs in this area.

SERIOUS VIOLENT CRIMES



79.8%
CONVICTION RATE
in murder prosecutions



2.4%
CONVICTION RATE
increase

2 982 of 3 738
murder crime cases finalised with a verdict



2021/22
77.4%
2 787 of 3 600
Conviction rate in murder prosecutions



INCREASE



2022/23
79.8%
2 982 of 3 738
Conviction rate in murder prosecutions in 2022/2023



81.3%
1 038 of 1 277
Conviction rate in trio crimes



INCREASE



82.7%
1 034 of 1 250
Conviction rate in trio crimes



Notable cases



State vs Ngakale: Free State Division

The accused was sentenced to life imprisonment in the Free State High Court for the murder of Constable Katlego Mokgadinyane, housebreaking with intent to rob and robbery, possession of a semi-automatic firearm and unlawful possession of ammunition.

Mokgadinyane was at his house with his wife and their 8-month old child when they heard a sound coming from the kitchen. He went to inspect and was shot twice by the robbers. They took an HP laptop and Mokgadinyane's wallet. Ngakale was arrested later that day in possession of a firearm, HP laptop and a wallet with Mokgadinyane's police identification card.



State vs Keagan van Rooi and two Others: Western Cape Division

The accused, van Rooi, van Wyk and Loggenstein, were sentenced to 30 years, 18 years and 25 years' imprisonment respectively, in the Western Cape High court.

The accused, who are members of the "Junior Cisco Yakkies" gang, murdered Ebrahim Ismail on 6 April 2019 at a Caltex Garage in Kenilworth. The deceased suffered 28 gunshot wounds.

The attack was filmed by security cameras at the garage. A witness observed the three shooters fleeing in a Gold Toyota Avanza. A few minutes later the Avanza was spotted by members of SAPS K9 Unit on Jan Smuts Drive. A police car chase followed and the Avanza stopped several kilometres further on after two of its tyres were shot out. All four occupants in the Avanza were arrested. Two 9mm pistols with live ammunition and a magazine with ten live rounds were found in the Avanza. The third pistol was not recovered by SAPS as it was thrown out of the vehicle.



State vs Xolisani Mfana Ngubane: KZN Division

The Pietermaritzburg High Court sentenced the accused to double life and 64 years imprisonment for two counts of murder, two counts of robbery, housebreaking with intent to steal, conspiracy to commit murder, kidnapping, two counts of unlawful possession of a firearm and two counts of unlawful possession of ammunition, for offences committed in April and May 2019.

The offences took place in Ntshongweni and Hammersdale. Ngubane killed Dumisani Moyo, the ANC Youth League branch chairperson, after being hired by party rivals to do so. He also killed a friend, Sensokuhle Mthethwa, following an argument. After killing Mthethwa, Ngubane and his accomplices kidnapped Mthethwa's girlfriend, and stole her cell phone and two vehicles. Ngubane was arrested after police traced the stolen cell phone.



State vs Nkosingiphile Moses Gumede: KZN Division

The Durban High Court sentenced the accused to three terms of life and 60 years imprisonment following his conviction on three counts of murder, attempted murder, robbery with aggravating circumstances, unlawful possession of a firearm and unlawful possession of ammunition.

In October 2018, Gumede and his accomplices shot and killed Sibusiso David Maphumulo, a ward councillor in the Umlazi area. In November 2018, Gumede and his accomplices attacked Lungelo Given Radebe and his aunt, Nondlela Rosetta Sithole, at a mall in KwaMashu, stealing R22 000 and shooting Radebe in the head, before fleeing the scene. In May 2019, Gumede shot Sanele Samuel Sanga outside his house in the KwaDukuza area. Gumede was arrested outside the Sundumbili Plaza after police had been monitoring him.



State vs Khumbulani Johannes Sithole: Gauteng Division: Pretoria

On 24 February 2023, the accused was convicted in the Gauteng Division: Pretoria of murder and sentenced to life imprisonment.

The deceased was a Senior Investigator at the Independent Police Investigative Directorate (IPID), which is responsible for the investigation of criminal cases against members of SAPS. On 10 March 2020, the deceased was shot and killed at Deruxa lodge in Cullinan, which he owned, and several items including his service pistol, office file, TVs and bakkie were taken.

The accused was arrested on 26 March 2020 after being discharged from hospital (he had been shot by an unknown person). He was arrested for a Vosloorus murder case, which he confessed to. It was during his interview on the Vosloorus matter that the accused informed the Investigating Officer about the murder of an IPID police officer in Pretoria. After confirming that such a case existed, Captain Ndzinisa arranged for the accused to make a confession and a pointing out. These were eventually made.

In court, the accused challenged the admissibility of these two documents and alleged that he had been assaulted by the police to confess and was not the author of either statement. Two trials within trials were held and both the confession and pointing out were ruled admissible as evidence against him. A witness who was with the deceased at the time of the incident also identified the accused at an identification parade.

Gender-based violence and femicide

An increasing number of GBV and femicide (GBVF) incidents are reported to SAPS. The NPA continued to place special emphasis on prosecuting these matters, obtaining a conviction rate of 74.8%.

Femicide is the intentional killing of a female (or perceived female, based on gender identity) specifically because she is female, whether committed within a domestic relationship, interpersonal relationship or by any other person. A conviction rate of 91.9% (475 convictions from 517 verdict cases) was obtained for femicide.

Intimate partner femicide is defined as femicide committed by a current or former husband (divorced or separated), boyfriend (dating or cohabiting), ex-boyfriend or rejected would-be lover. During the last financial year, 356 convictions were obtained from 386 verdict cases, representing a 92.2% conviction rate.

Table 7: Conviction rates for femicide, intimate partner femicide and sexual offences, 2019 to 2023

Indicator	2019/20 Actual performance (Numbers)	2020/21 Actual performance (Numbers)	2021/22 Actual performance (Numbers)	2022/23 Actual performance (Numbers)
Conviction rate in femicide prosecutions	N/A	94.3% 231/245	94.3% 396/420	91.9% 475/517
Conviction rate in intimate partner femicide prosecutions	N/A	93.1% 190/204	93.8% 316/337	92.2% 356/386
Conviction rate in sexual offences	75.2% 4 098/5 451	75.8% 2 539/3 349	74.2% 3 402/4 584	74.8% 3 460/4 627





Notable cases



State vs Lucky Mfanivele Magagula: GLD

The accused, a pastor, was convicted of rape and sexual assault and sentenced to two life terms as well as additional sentences for a range of other charges.

The accused raped three minor children (two were 12 years old and one was three years old) and sexually violated them and two other children. He lured them into his house with the promise of doing bible studies and choir practice. Once there, he showed them pornographic videos, fondled and raped them.

The prosecution led evidence of the children, who testified via the intermediary and CCTV. The three-year-old victim was found incompetent to testify. The state applied for her report to her mother to be admitted into evidence as an exception to the hearsay evidence rule in the interest of justice and her evidence was admitted.



State vs Abraham Fourie: Free State Division

Abraham Fourie was sentenced to life imprisonment for the murder of his partner, Maryna Venter. He was also found guilty of two counts of assault and a charge of assault with intent to do grievous bodily harm against a former girlfriend, for which he was sentenced to 12 months' imprisonment on each count and three years' imprisonment respectively.

The accused had abused the deceased on several occasions. The deceased was found with multiple trauma injuries and severe burn wounds over 48% of her body. The accused insisted throughout the trial that the deceased had committed suicide. However, various WhatsApp messages, statements by deceased to friends and family, and the extensive medical evidence proved that he murdered her.



The State vs Priscilla Morris: Western Cape Division

The Western Cape Division of the High Court sentenced foster mother Priscilla Morris to an effective 30 years, imprisonment after her conviction on two counts of child abuse, the murder of nine-month-old Caswill Joseph Frans and obstructing the course of justice.

The deceased's mother, Candice Frans, who was unable to take proper care of her child, asked the accused to look after the deceased, who was only a month old at the time. Although the arrangement between the biological mother and foster mother was private and casual, a social worker visited the accused's house and found it suitable. The accused did not disclose her chronic health conditions and use of prescription anti-depressants to the social worker.

She assaulted the deceased throughout his short life. In December 2021, the accused became frustrated with the deceased who was crying. She threw him to the floor twice, grabbed him around the neck and choked him until he stopped crying. The cause of death was multiple blunt force trauma. She wrapped the child in a towel and collected the child grant knowing that the child was dead. She later wrapped the child in two plastic bags and buried him in a shallow grave. She then went home and continued with her normal chores like nothing had happened.



State vs Xolewa Nyamboo: Eastern Cape Division

The accused was convicted and sentenced to 15 years' imprisonment of which two years was conditionally suspended for five years.

The accused is the biological father of the three-month old baby boy, the victim in the matter, who lived with his mother. The accused demanded sex from the mother of the baby and, when she refused, he assaulted her. Sinethemba Tuni later walked past the accused's shack and noticed the accused was lying on his bed with his pants lowered to his knees and his penis in the baby's mouth. When the accused told Sinethemba to "voetsek", he called his mother, Nozuko Tuni. When she arrived, she observed the same scene. The police were contacted and although the accused attempted to run, he was apprehended by the community and handed over to the police.



State vs A. Minnies: Northern Cape Division

The accused was found guilty of murder and sentenced to life imprisonment.

The accused and the deceased were in a relationship, had been living together for 15 years and had four children together. Their relationship was characterised by alcohol abuse and physical abuse by the accused. The accused suspected the deceased was cheating on him and found her at the home of another man in the early hours of the morning. On the way home he raped and assaulted her so severely that she couldn't walk. He dragged her for 165 metres across a rocky surface to their house. The deceased was later found dead at the accused's house with multiple injuries all over her body.

Organised Crime

Organised crime has been identified as a significant threat to South Africa's economy, democratic institutions, political integrity and international reputation, as well affecting all sectors of society. For the second consecutive year, South Africa was ranked 19 of 193 countries on the Global Organised Crime Index. The ranking takes into account all aspects of organised crime, including human trafficking, illegal trade (including arms and ammunition), environmental crimes, drugs and criminal groups or gangs.

Figure 4: South Africa's ranking on the Global Organised Crime Index

19th of 193 countries
5th of 54 countries in Africa
1st of 13 countries in Southern Africa



**Criminality
score**

Traditional organised crime – such as illicit firearms and environmental crime – have been surpassed by illicit mining, theft of fuel from underground pipelines and damage to essential infrastructure (particularly copper theft). Extortion at construction sites, kidnapping for ransom, organised robbery and illicit drug trafficking are also on the increase.

Addressing cybercrime, especially where the perpetrators are outside South Africa's borders, is particularly challenging and requires the assistance of international counterparts.

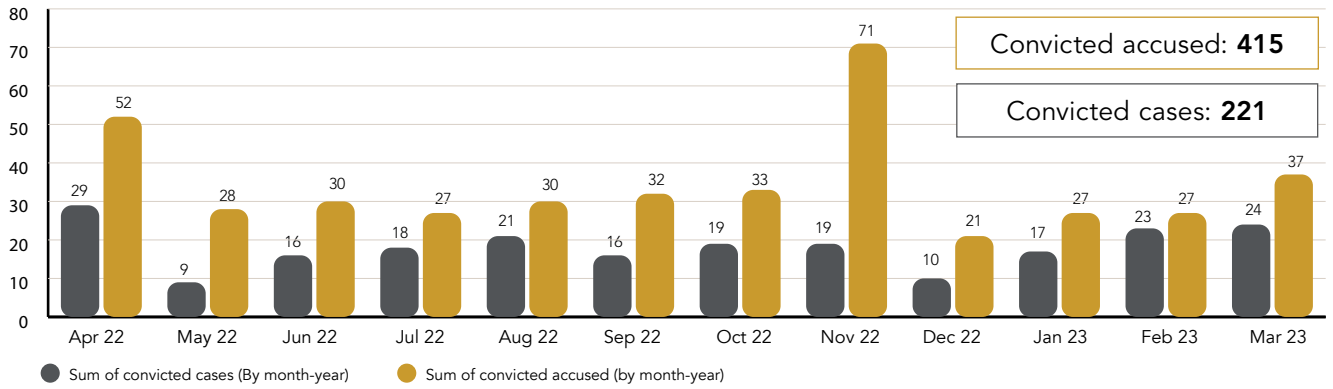
Table 8: Convictions for some organised crime types, 2019 to 2023

Indicator	2019/20 Actual performance (Numbers)	2020/21 Actual performance (Numbers)	2021/22 Actual performance (Numbers)	2022/23 Actual performance (Numbers)
Conviction rate in organised crime	95.3% 242/254	92.5% 173/187	95.9% 185/193	94.4% 221/234
Conviction rate in environmental crime prosecutions	97.1% 857/883	96.8% 722/746	97.1% 702/723	96% 792/825
Conviction rate in cybercrime prosecutions	98.5% 320/325	98.9% 88/89	97.4% 149/153	92.9% 39/42
Conviction rate in copper theft and essential infrastructure prosecutions	86.2% 544/631	86.8% 548/631	87.9% 954/1085	85.7% 1 417/1654
Conviction rate in cable theft prosecutions	N/A	81.5% 119/146	91.9% 193/210	86.2% 299/347

PERFORMANCE INFORMATION continued

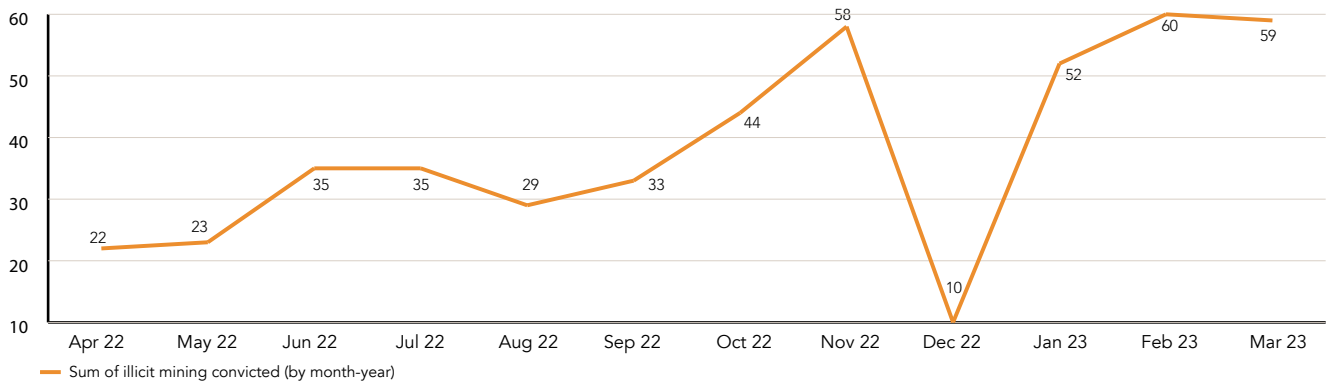
Organised crime cases usually include multiple accused and involve multiple charges.

Figure 5: Number of organised crime cases and accused, April 2022 to March 2023



An increase in the number of convictions achieved for illegal mining could be noted towards the end of the financial year.

Figure 6: Convictions for illegal mining, April 2022 to March 2023





Notable cases



State vs Shisana and Another: Gauteng Local Division

The accused were charged with Trafficking in Persons and involvement in offences under Chapter 2 of the Trafficking in Persons Act, 7 of 2013. Both accused were convicted by the Johannesburg High Court and sentenced to three and two life sentences respectively.

Accused 1 tried to sell the state's witness a six-year-old boy. The state's witness reported this to SAPS, which launched an operation to catch the accused. Accused 1 sent a photo of two boys, a meeting was arranged and the price set at R140 000. The state witness met with accused 1 and 2, his business partner, at a garage. The two boys were with them. SAPS arrested the two accused and secured the safety of the boys.



State vs Jasitoseya and Another: Gauteng Division: Pretoria

The accused, Mozambican nationals, were convicted of copper cable theft and handed the minimum sentence of 15 years each, in addition to an illegal immigration charge and sentence.

The two Mozambicans, who entered the country illegally, were found operating a smelting factory at an RDP house in Ratanda, Heidelberg. The owner of the house managed to evade arrest by fleeing on foot. Copper cable belonging to PRASA and Transnet weighing almost 7 978 kg was found at this house. The cable consisted of kilometres of Catenary wire used as overhead cable on the rail network along the East Rand.



State vs Malomele Matsetela and five others: Western Cape Division

The accused were sentenced to imprisonment ranging between eight and 18 years following their conviction for involvement in the theft of overhead copper cables.

In November 2012, SAPS arrested two suspects in the Southern Cape for the theft of Telkom overhead copper cables. The suspects were overheard saying that a third suspect was supposed to pick them up with the stolen overhead Telkom cables. SAPS noticed a suspicious vehicle and gave chase. The driver of the vehicle, who later became known as Accused 2, abandoned the vehicle, and ran away.

The investigation was then taken over by the Hawks (DPCI) George Unit because of the increase in theft of Telkom overhead cables in the Southern Cape area at the time. Upon further investigation the Hawks discovered that the suspicious vehicle was rented from a vehicle rental company in Soweto Diepkloof, Mundzhedzi Consulting, belonging to Takalani Makananisi.

Further investigation uncovered that this and other vehicles were used by a syndicate from Johannesburg to steal Telkom, Eskom and Transnet overhead cables in the Western Cape and Northern Cape, that were then transported to Malvern, Johannesburg, where they were offloaded and sold at Malvern Scrap Metal owned by Accused 1. Accused 1 transported the stolen copper cables from his scrapyards in Johannesburg to SA Metals, Bedfordview, where he sold them. Accused 1 would then pay Accused 2, 3, 4 and 6 by cheque. After a financial investigation, it was uncovered that Accused 2, 3, 4 and 6 received thousands of rands over the relevant period from the business account of Malvern Scrap Metal.



State vs Mpume Eunice Mabika: KZN Division

The Ingwavuma Regional Court sentenced a 34-year-old woman to an effective 20 years' imprisonment following her conviction for attempting to traffic a child in the Manguzi area.

In June 2016, the woman approached James Mthembu, a traditional healer. She told him that she could arrange to sell him an 11-year-old albino child from her neighborhood for use in traditional medicine. She wanted R100 000 for the child and advised that Mthembu could contact her if he wanted to see the child.

Mthembu reported this to the police, who thought this information might assist them with a missing child case they were working on at the time. Mthembu arranged to meet the woman and she was arrested.



State vs Davids and Others: Western Cape Division

In the Uitsig and Malawi Camp area in Ravensmead, a criminal gang known as "Ama Don't Care" were terrorising the community with the perpetration of violent crimes. Accused 1 (Dawnay Davids), accused 2 (Mahlubandile Jacobs) and accused 4 (Vincent Davids) were members of this gang, with accused 4 known by the police and the community as the gang's leader.

On 25 March 2019, accused 1 and 2 in the company of other gang members attempted but failed to extort money from the deceased, Christopher Cornelius. The following morning accused 1 and 2 returned and killed Cornelius in front of his house; they also killed his four-year-old granddaughter.

Glenda Ruiters lived opposite Cornelius. She was outside her house at the time of the shooting and reported to family members that one of the shooters ran past her after the shooting. She feared that her life might be in danger. During the early evening of 7 April 2019, Glenda was at home with her daughter, Nikita Ruiters, when accused 2, 3 and 4 knocked on their door. As Glenda opened the door, accused 4 shot and killed her. Accused 3 then attempted to shoot Nikita, but missed.

The court found that Christopher's murder was a planned assassination. The court found that accused 2, 3 and 4 acted in concert when they committed the planned assassination of Glenda Ruiters and found that she was murdered because she was aware of the identity of the persons involved in the murders of the first two deceased.

Accused 1 and 2 were convicted for the murders of the first two deceased and accused 2, 3 and 4 for the murder of the third deceased, with accused 3 convicted on the charge of the attempted murder of the third deceased's daughter. All four accused were convicted on charges of unlawful possession of the respective firearms and ammunition.

The court found further that these murders were acts performed and aimed at causing, bringing about, promoting or contributing towards a pattern of criminal gang activity. Accused 1, who was 16 years old at the time of the commission of the offences, was effectively sentenced to 20 years' imprisonment, accused 2 and accused 4 (the leader of the criminal gang) to life imprisonment and accused 3 to 25 years' imprisonment.

Representations and Complaints Component

The NDPP delegated the powers, duties or functions as envisaged in Section 22(2)(c) of the NPA Act to the DNDPP: NPS.

Table 9: Representations

Number of files opened	1 174
Number of files finalised	810
Number of files pending as at 31/3/2023	364

Table 10: Formal reviews in terms of section 179(5)(d) of the Constitution read with section 22(2)(c) of the NPA Act

Unit	Number reviewed by DNDPP: NPS	Number reviewed by NDPP	Number of decisions overturned or not confirmed
NPS	133	2	5
STU	6	1	0
SCCU	49	2	0
OCC	6	0	0
SOCA	43	1	0
PCLU	2	0	0

Thirty centralisation authorisations were issued in terms of Section 22(3) of the NPA Act, read with Section 111 of the CPA.



While ensuring justice for the many victims of crime is core to the operations of the NPS, priorities for the forthcoming year include dealing with money laundering, fraud, corruption and other complex commercial crime, reducing organised crime, addressing murder and GBVF, and enhancing victim centric services.

While there is a focus on dealing with cases flowing from the Zondo Commission recommendations, other significant corruption cases have been given priority. These will be driven in collaboration with our partners and will be closely monitored in order to restore credibility to state institutions and other affected entities, and contribute to restoring the economy and investor confidence in the country.

The development and implementation of a strategy to address the various forms of organised crime will be a particular focus for the NPS, as will ensuring that our partners enhance their focus on addressing the leaders of organised criminal groupings. Responses to organised crime need to be calibrated to tackle illicit markets and criminal networks at strategic points, where they will be most effective at disrupting organised crime and the ecosystems that allow it to flourish.

The NPS will also look for opportunities to seize the proceeds of crime and instrumentalities of offences. There will be renewed emphasis on the processes providing for asset forfeiture.

Supporting victims through initiatives such as the TCCs and court preparation services remain a cornerstone of NPS services. The Community Prosecution Initiative will continue with the objective of making an impact in identified communities.

Specialised Commercial Crimes Unit

The SCCU is responsible for prosecuting corruption, money laundering, cybercrime and serious complex commercial crime.



Key Achievements

The SCCU co-ordinated the work of the anti-money laundering desk to prepare the NPA's contributions to the FATF follow-up processes. The SCCU continues to finalise most money laundering cases in the NPA.

The SCCU also formed part of the Department of International Relations and Co-operation (DIRCO) team leading discussions to develop an international instrument to deal with cybercrime.

SCCU prosecutors form part of the NPA Advisory Panel and, in this role, have contributed to the enrolment of several seminal matters. In a number of matters under consideration, the Advisory Panel has recommended additional investigations, alterations to charges, and that accused and witnesses be traced before enrolment.



Key Challenges

Improving collaboration with key stakeholders, especially to address long outstanding financial investigations, remains a key challenge.

Stakeholder engagements

The SCCU actively participated in the Fusion Centre, which serves as a good example of stakeholder collaboration. As a result, 34 cases of fraud and related offences related to COVID-19 and South African Social Security Agency grants have been enrolled in the past year.

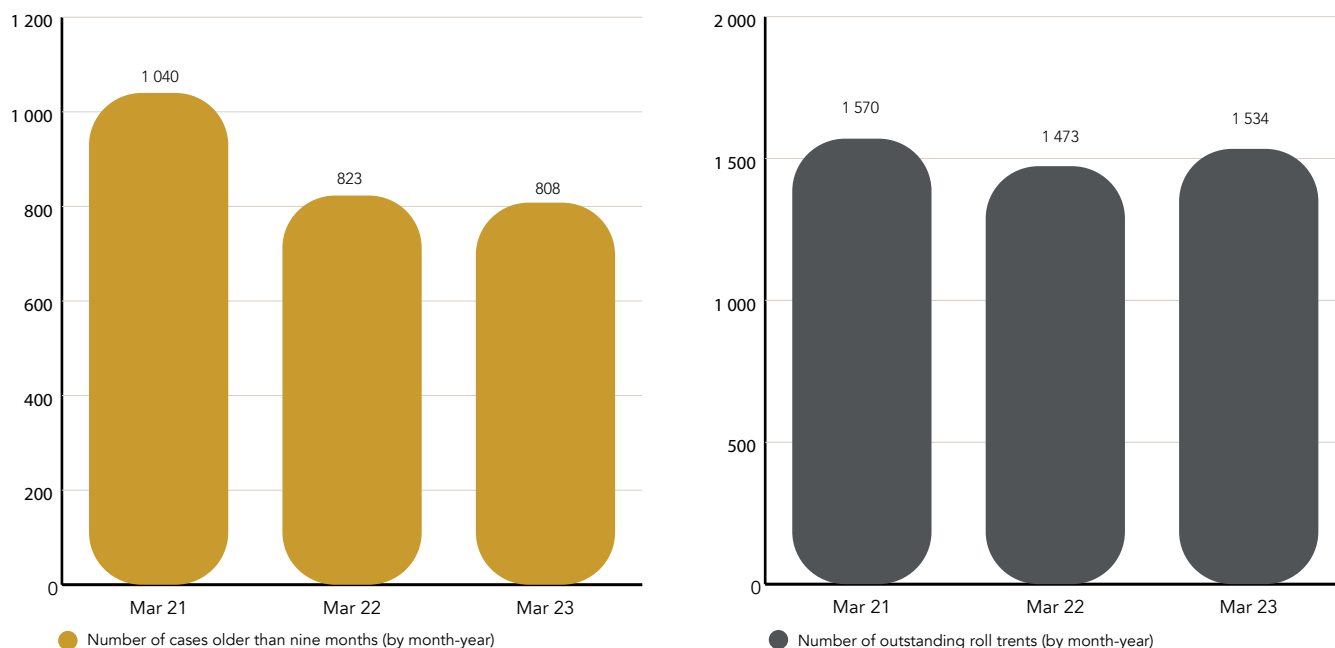
The SCCU continued to enhance relations with the SIU and the FIC by appointing SCCU regional heads as authorised officers. The SCCU also continued to work with the National Treasury to fast track investigations of cases involving illicit money flows.

Performance management

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

The additional SCCCs allowed the NPA to focus on backlog cases resulting in a 2% decrease (from 823 to 808). This represents a 22% decrease from the end of the 2021 financial year (1 040 to 808).

Figure 7: Decrease in backlog cases, 2021 to 2023



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

Table 11: Conviction rates in complex commercial crime, 2018 to 2023

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

Capacity

The national office of the SCCU has a small staff complement. The prosecutions are conducted, in the regions by prosecutors on the establishment of the various Divisions.

Training was provided to prosecutors in offences related to the PFMA and the MFMA.

Vision

Prioritisation is key within the SCCU to ensure that impactful commercial and corruption cases are identified, workshopped and prioritised. This will be an active focus for the SCCU nationally, with an enrolment plan being developed to ensure ongoing progress and focus on the SCCU work.

Tied to this is a renewed focus on service delivery. In particular, there will be a review of the SCCU's methodology to ensure that its systems and processes are capable of delivering on what is expected of it as the home of the NPA's commercial crime subject matter experts and litigators.

Priority Crimes Litigation Unit

The Priority Crimes Litigation Unit (PCLU) supports the divisions in the prosecution of crimes contemplated in the implementation of the Rome Statute of the International Criminal Court Act, 27 of 2002, as well as serious national and international crimes, including acts of terrorism, high treason, sedition, foreign military crimes committed by mercenaries and similar priority crimes.



Key Achievements

The PCLU has managed to secure the appointment of 80% of its staff establishment.

PCLU nodal points in the regions have been activated and systems have been put in place for capturing and monitoring PCLU cases.

Through the Counter Terrorism Functional Committee, National Intelligence Co-ordinating Committee – steering committee and other relevant stakeholder engagements, the PCLU participated in the crafting of the following documents:

- National Risk Assessment of Money Laundering, Terrorist Financing and Proliferation Financing
- National Terrorism Financing Risk Assessment
- Operational Framework for Targeted Financial Sanctions
- National Counter Terrorism Strategy and its implementation plan.



Key Challenges

There is a shortage of prosecutors in the regions with the skills to deal with PCLU cases. This will be addressed through the implementation of training, and additional support from the prosecutors stationed at the national office.

Stakeholder engagements

Monthly meetings are held at the PCLU Head Office to ensure that the objectives and communications of the PCLU are clear.

Monthly meetings with domestic stakeholders ensure that the voice of the PCLU is heard through the Counter Terrorism Functional Committee (CTFC) and its sub-committees.

Monthly engagements are conducted with the DPCI’s Crimes Against the State (CATS) unit to ensure that PCLU’s information and records are aligned with that of DPCI: CATS.

Monthly meetings with National Conventional Arms Control Inspectorate and DPCI: CATS (Pro-active Section) ensure that National Conventional Arms Control cases are attended to speedily.

The acting head of the PCLU was one of the South African delegates who attended the 44th Eastern and Southern Africa Anti-Money Laundering Group Task Force meeting in Zambia, which was aimed at addressing FATF compliance within the Eastern and Southern Africa Regions.



Vision

To ensure matters are prioritised, the PCLU has requested the amendment and alignment of the NPA policy directives to fully support the principle of decentralised prosecutions in line with the NDPP directives. This is currently under consideration.

Guideline processes with turn-around timeframes discussed with PCLU regional nodal points during the operational planning session will be introduced to monitor and fast-track PCLU matters.

The PCLU will contribute to ensuring that the FATF action plans are achieved in line with Immediate Outcome 9-11 by:

- Guiding and leading the Training Task Force to ensure that the necessary training is undertaken
- Guiding and leading operational meetings between PCLU and DPCI: CATS
- Aligning PCLU records with those of DPCI: CATS
- Assisting prosecutors in the regions
- Ensuring prosecutorial excellence at the PCLU head office.



Notable cases



State vs HJ Knoesen

Knoesen formed part of and led the Crusaders organisation, which planned and conspired to overthrow the democratically elected Government of South Africa and replace it with a white-led government. They planned to achieve this objective by carrying out attacks on military and police installations, as well as on informal settlements occupied by Africans.

The accused was convicted in June 2022 and sentenced to life imprisonment for contravening section 2 and section 14(d) of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 33 of 2004 (preparing and planning to carry out terrorist attacks and incitement to carry out a terrorist attack), 15 years imprisonment for soliciting support to carry out terrorist attacks, three years for unlawful possession of a firearm and three years for unlawful possession of ammunition.



State vs Riaz Sha Ahmed Boda

On 31 October 2017, Mirshad Kandic, a US citizen, was arrested in Bosnia on several counts of providing material support to a Foreign Terrorist Organisation and extradited to the US. On 24 May 2022, Kandic was found guilty in the US on six counts of providing material support to ISIS, including two counts resulting in death.

A South African bankcard was recovered from Kandic during his arrest. Financial evidence obtained in South Africa indicated that there were several cash deposits effected into a South African bank account and that the bank account belongs to a South African citizen, Riaz Sha Ahmed Boda. Financial records reflect that the bank card was used to make withdrawals at an ATM in Bosnia and Sarajevo.

The South African authorities submitted a request for MLA to the Central Authority of the US in terms of the International Co-operation in Criminal Matters Act, 75 of 1996. The requested information was received from the US on 15 February 2023 and the DPP of the GLD is working on analysing the information received.

Sexual Offences and Community Affairs Unit



Key Achievements

SOCA is a formidable force at the forefront of the fight against GBVF. Victims are provided with the best pre-trial services when they are most vulnerable.

An internal efficacy review conducted in 2021 found that there was an urgent need to focus on the operations of the TCCs by expanding the TCC footprint and increasing the visibility, access to and knowledge of the TCC model. The year under review was dedicated to addressing these areas.

The TCC extended their services to all victims of GBV and a large number of victims of domestic violence have since sought help at the TCCs. This provides an opportunity to break the cycle of violence that often precedes femicide. SOCA started rolling out a Domestic Violence Protocol to all TCCs, which has assisted victims in obtaining protection orders. The SPAR Group provided basic groceries to all TCCs, which has specifically benefited victims deliberately deprived of food by their perpetrators and those from poverty-stricken environments. This basic act contributes to restoring the dignity of victims.

The proposed inclusion of sign-language as an official language will go a long way to address the marginalisation of the deaf community. SOCA collaborated with the deaf community and produced a video for deaf victims who seek help at a TCC. The video empowers deaf victims to utilise the services of the TCCs. Collaborations have commenced to introduce a basic sign language course for all TCC officials.

During 2022, Adv Currie-Gamwo travelled to Tanzania to promote the TCC model to colleagues in the Southern Africa Development Community (SADC). On 15 December 2022, she was awarded the #MyVoiceForJustice 2022 Award by the DNA for Africa organisation for her contribution towards promoting justice and human rights in Africa.

The SDPP has regularly appeared on national television to promote and build awareness of SOCA and its services. She was also interviewed by an Australian production team, which allowed her to showcase the TCC model to an Australian audience and compare the services offered to GBV victims in the two countries.

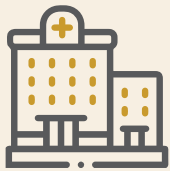
The Mediclinic pilot project is the first partnership with a private hospital group. The TCCs have been linked to public health care and this was the first time that victims of GBV that access private health care were provided with a referral pathway to the closest TCC. The project seeks to break down stereotypes around, and the cycles of violence associated with, GBVF to save lives. The project is piloted at eight Mediclinic hospitals in the Western Cape.

SOCA manages the Community Prosecutions Initiative. In March 2023, SOCA hosted and facilitated a national strategic workshop with all DPPs and community prosecutors to strengthen and broaden the scope of the initiative. The many successes of the initiative were shared, including numerous shebeens being closed, the successful prosecution of stock theft in targeted areas and increased reporting of GBV at TCCs.

SOCA has prioritised DNA backlog matters through a joint project with SAPS. The initial focus on GBVF matters was expanded in August 2022 to include murder. SOCA collaborated with the research component of SOC and has been very successful in distributing 28 110 DNA reports to the courts since October 2020.

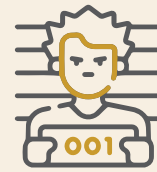
Together with other NPA delegates, a SOCA delegation attended the Second Presidential Summit on GBVF in November 2022. SOCA's performance was presented by the SDPP in one of the breakaway groups and was well received.

SEXUAL OFFENCES AND COMMUNITY AFFAIRS (SOCA)



62

Thuthuzela Care Centres nationwide



591

Accused sentenced for rape offences



128

Life imprisonment



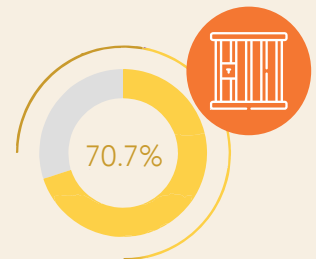
83

20–25 years imprisonment



207

10–19 years imprisonment



Sentences longer than 10 years (including life imprisonment).



Key Challenges

The lack of a specific GBVF budget is overcome by initiating and building strong private sector partnerships. These partnerships enabled SOCA to enhance the visibility of the TCC model and its services through a marketing campaign and rapidly increase the TCC footprint by establishing new TCCs.



Vision

While the NPA has been successful in building victim centric TCCs, much more is needed as many victims cannot access the services because of where they live. Pretrial services in South Africa should be a must have, not a nice to have. Additional TCCs must be established, for which this funding and collaboration with key stakeholders is required. Private sector support will be critical.

Stakeholder engagements

The partnership with the SPAR group, a first of its kind, has allowed SOCA to market the TCC model using modern techniques. The TCC logo, the NPA logo and the TCC email address is included on all SPAR shopping bags, providing vital information to thousands of potential victims who access the 2 440 SPAR stores across the country. The initiative is yielding results and SOCA has started receiving emails seeking assistance. Plans are underway to include billboards and bus shelters used by SPAR for advertisements. The QR code on the bag will also reference the location of the TCCs.

The National Strategic Plan on GBVF created a platform for private-public sector partnerships aimed at increasing access to justice for victims of GBV. SOCA successfully collaborated with both public and private stakeholders in establishing two additional TCCs, one in Wynberg Victoria Hospital in the Western Cape and the other in Dilokong in Limpopo. The Dilokong TCC is the first brick and mortar structure that was specifically designed and built to be a TCC. It has been dubbed the Legacy TCC and will ensure the permanence of pretrial services and provide a blueprint for future TCCs. The total number of TCCs has increased from 55 to 62 over two years and SOCA has secured financial commitment from various private sector partners for the addition of no less than 12 TCCs in the coming year.

SOCA's partnership with the Minerals Council of SA has cemented its private-public sector partnership with the mining industry. Through this partnership, the NPA has engaged with 76 leading mining groups to support the renovation and building of new TCCs in several mining areas. This unique partnership enables SOCA to reach the maximum number of victims in a broad range of traditionally underserved communities.

Organised Crime Component

Organised crime is prevalent in South Africa and includes illegal mining, essential infrastructure offences, environmental crimes, drugs and drug-related matters, cash-in-transit robberies and ATM bombings, illegal firearms and trafficking in persons.



Key Achievements

The NPA appointed a dedicated National Organised Crime Coordinator on 01 December 2022 and the first strategic planning for this focus area was held early in 2023.

In the year under review, the NDPP authorised four racketeering prosecutions.

Illegal mining: amendments are required to the Mineral Resources and Petroleum Development Act, 28 of 2002, Diamonds Act, 56 of 1986 and the Precious Metals Act, 37 of 2005 to effectively address illegal mining. The legislative sub-committee of the National Coordinating and Stakeholder Management Team (NCSMT) is working to address the legislation amendments required to deal effectively with in-transit gold smuggling. The NPA is working with partners to develop a training manual for illegal mining.

Essential infrastructure crimes: Economic Infrastructure Task Teams (EITTs) have been established within provinces. The EITTs are multi-disciplinary and will consolidate their expertise, experience and resources to address non-ferrous metals and essential infrastructure related crimes more effectively.

Environmental crime: this is a high-risk area for laundering illegal proceeds. The Environmental Working Group has conducted an audit of all environmental cases within the NPA sphere. Three areas for research have been identified to inform proposals for legislative amendments.

The NPA has identified the need to address the limited experience to effectively deal with these prosecutions as there is no established unit at divisional level to prosecute environmental crimes. This is a highly regulated field and complex legislation applies. Training content has been developed to upskill magistrates' court prosecutors on effectively prosecuting environmental crimes.

The South African Anti-Money Laundering Integrated Task Force (SAMLIT) established a tactical group to focus on Illegal Wildlife Trade. The NPA is part of this group and is overseeing six money laundering investigations.

Stakeholders, including the NPA, are developing a national abalone strategy aimed at combatting the illegal harvesting and trafficking of abalone.

Stakeholder engagements

As organised crime is cross cutting, the component participates in and contributes to a number of stakeholder forums, including: FATF; NCSMT; National Biodiversity Investigators Forum; National Joint Operational and Intelligence Structure (NATJOINTS) Eskom Workstream; National Non-

Ferrous Metals Crime Combating Committee; Prevention of Extortions at Businesses, Industry Forum; National Organised Crime Secretariat; DPCI National Project Committee; Central Drug Authority; and Security Crime Risk and Investigation Workgroup and Subcommittees.



Vision

The vision for 2023 is to review the structure, formulate intake criteria, build the required capacity, and enhance capability. A particular focus for the year will be the development and implementation of a strategy to address the various forms of organised crime, as well as ensuring that our partners enhance their focus on addressing, in particular, the leaders of organised criminal groupings.

Specialised Tax Component

With effect from 1 April 2022, Adv E Matzke was appointed as SDPP responsible for the following portfolios: General Prosecutions, Specialist Tax Component and the cases dealt with by the Truth and Reconciliation Component.



Key Achievements

The upward performance trajectory of the STU continued. Prosecutors finalised 138 cases and achieved a conviction rate of 96.4%. This success is underpinned by the component's ability to attract and retain highly experienced staff.

Together with the South African Revenue Service (SARS), a list of priority cases for the new financial year has been developed and progress in these cases will be monitored by the NPA/SARS National Working Committee.



Key Challenges

The biggest challenge confronting the STU was a lack of staff. This is being addressed through a recruitment process.

Capacity

The regional capacity has increased in the past financial year. The approved establishment throughout the country has grown to 100 posts, of which 85 are filled.

The NPA case management system is being aligned with that of SARS to ensure accurate data capturing and reporting. Joint training with SARS was undertaken and 70 advocates were trained.



Vision

- The STU is planning to expand the SARS/NPA prosecution pilot project to the GLD. Magistrates' court prosecutors will be trained on how to prosecute tax cases and ensure that taxpayers submit their tax returns in the year of assessment.
- Training is also planned to address the shortcomings identified in the FATF report and ensure that the STU advocates prioritise tax cases with money laundering charges. The training will also cover cybercrime, a new phenomenon in the tax space. There will be a focus on cybercrime-related tax cases and the identification of potential racketeering cases.



Notable cases



State vs Ntapeleng David Serame and Five Corporations

The accused were convicted of 339 counts of fraud, corruption, money laundering and tax crimes, and sentenced in August 2022 to a total of 38 years imprisonment suspended on condition that the money was repaid. Each of the companies involved were sentenced to fines between R50 000 and R1m suspended on certain conditions.

The accused – one of the owners and the representative of Iceberg Trading 542 cc, Snowline Trading 582 cc, Ka Rona Trading 536 cc, Seventh Avenue Trading 560 cc and Senthati Trading cc – committed fraud and corruption between 2007 and 2009. They used close corporations to procure goods for Mangaung Local Municipality, which were not delivered, and services that were not rendered, but payments totalling approximately R9m were made into the close corporations' bank accounts. The accused also defrauded SARS of R2 807 790 by submitting false nil income tax and Value Added Tax (VAT) returns.



State vs Mavata Road Construction and Maintenance CC and Thanduxolo Alton Mavata

The accused was sentenced to an effective 15 years imprisonment for fraud.

The accused were trading and registered for income tax and VAT as Security Zone. Although doing business, they submitted nil income tax 14 returns and VAT 201 returns, pretending to be dormant, in order to get a Tax Clearance Certificate from SARS without declaring any income or VAT for the company.

In total the accused underdeclared his income by R7 474 968.43 for three years. The income tax that he was supposed to pay to SARS over those three years was R509 185.

While trading the accused were also charging VAT without accounting for it to SARS. The accused submitted VAT returns between December 2016 to February 2018 in which he showed no consideration had been received when it was clear from invoices that the closed corporation had received R4 074 640.06 in consideration over that period. The accused also failed to declare output tax in the amount of R527 320.21 over the period. The total VAT defrauded from SARS from submitting nil returns over these periods amounted to R372 040.40.

SARS was also further defrauded when the accused did not declare the amount of R105 551.62 VAT that he had received from invoices he had issued.

The total prejudice to SARS was R986 777.02. It could not be recouped from the accused.

Truth and Reconciliation Commission Component



Key Achievements

In the past 18 months, significant progress has been made in TRC matters. There are currently 135 matters being dealt with in the various divisions. Ten matters have been finalised and 12 are enrolled, of which seven matters are either trial ready or awaiting judgement.

Stakeholder engagements

A victim-centred approach has been prioritised, with the DPCI and the NPA engaging directly with families and victims to keep them abreast of developments in cases. On the invitation of the Apartheid Era Victims Family Group, families met with various DPPs and investigators.



Key Challenges

These are very old matters – dockets and inquest records are largely either destroyed or missing, and witnesses/suspects/persons of interest are often deceased or untraceable. Another major challenge is that evidence and records remain in the control or possession of stakeholders and government organisations. A concerted effort has been made to trace and make available all records and evidence to enable investigators to properly conduct investigations.

Progress pertaining to TRC matters

The following matters have been finalised since 1 September 2021:

Name of matter	Division	Outcome/status
State vs Roderigues	Gauteng Local Division	Accused passed away on 7 September 2021. Charges consequently withdrawn.
NH Aggett	Gauteng Local Division	Inquest: the inquest finding of 1992 was overturned and it was found that Aggett was murdered while in police custody. The matter is with the DPP to consider prosecution.
Sithembile Zokwe	Eastern Cape Division	Death in detention: investigations confirmed that two Security Branch police officers were convicted of murder in the former Transkei on 25 November 2005 and sentenced to 20 years imprisonment. Matter is finalised.
Peter Thabuleka	Gauteng Division: Pretoria	DPP declined to prosecute as there is no evidence of assault.
Eric Mntonga	Eastern Cape Division	Death in detention: accused were tried and convicted in March and September 1989 for death of deceased. Matter finalised.
Goodwill Collin Sikhakhane	KZN Division	All the suspects were granted amnesty. Decision was taken not to prosecute.
Paris Malatjie	Gauteng Local Division	Deceased was shot and killed by Sgt van As at the Protea Police station. Accused was convicted of culpable homicide in the Johannesburg High Court in 1983 and sentenced to 10 years imprisonment. Matter finalised.
Michael Ncetywa (Mcetywa)	KZN Division	On 22 November 2000, the accused, Emmanuel Mavuso, was refused amnesty for the murder of the deceased. He was charged and sentenced to 25 years imprisonment. Matter finalised.

PERFORMANCE INFORMATION continued

Name of matter	Division	Outcome/status
Mqiniseni Simon Zwane	KZN Division	Investigation has been closed. Main suspect is deceased, and the charge of attempted murder prescribed.
Johannes Sweet Sambo	Mpumalanga Division	Suspects Eugene de Kock, McIntyre, Els and Venter were acquitted of the charged with assault with the intent to inflict grievous bodily harm. They were then charged with murder in McIntyre and Another vs Pietersen NO and Another – a special plea was upheld in terms of section 106(1)(d) of the Criminal Procedure Act.

The following are pending inquests and/or prosecutions:

Name of matter	Division	Outcome/status
Ernest Dipale	GLD	Inquest was re-opened: evidence was led, and arguments were heard on 1 November 2022. Judgement is awaited but no date has been set.
State vs Rorich and another (COSAS 4)	GLD	Trial postponed to April 2023 for pre-trial conference.
HH Haffejee	KZN Division	Inquest re-opened: evidence was led, and arguments were heard on 18 and 19 October 2022. Inquest judgment awaited.
State vs Coetzee (Simelane)	GLD	Trial was postponed and accused was found fit to stand trial on 9 December 2022. Case postponed to 12-15 June 2023 for pre-trial and further particulars.
State vs Marais (Nyoka)	GLD	Trial postponed to April 2023 for further particulars.
Abdullah Haroon	Western Cape Division	Evidence has been led at re-opened inquest. Arguments have been heard and judgment is awaited.
N Kubheka	KZN Division	Inquest: application for former Security Branch members to obtain legal representation was attended to and the matter will be set down.
Sbo Phewa	KZN Division	The date for hearing the inquest will be determined now that the issue of the payment of legal fees for the Security Branch members has been sorted out.
Zama Sokhulu	KZN Division	Inquest: same status as Phewa.
James Mngomezulu	KZN Division	Inquest: same status as Phewa.
Mthunsi Vlemeseni	KZN Division	Inquest: on 10 March 2023, the Chief Magistrate proposed that a meeting be held to discuss pre inquest conduct. A date for the hearing will then be determined.
Siphelele Mxolisi Nxumalo	KZN Division	Indictment in the Durban High Court is underway for murder of the deceased.
Seth Sons	Gauteng Division: Pretoria	Decision taken to charge accused in the Regional Court on charges of perjury, defeating the ends of justice and contravening the Inquests Act. Summons to be issued.
Neville Els	GLD	Decision taken to charge accused in the Regional Court on charges of perjury, defeating the ends of justice and contravening the Inquests Act. Summons to be issued.

TRC MATTERS

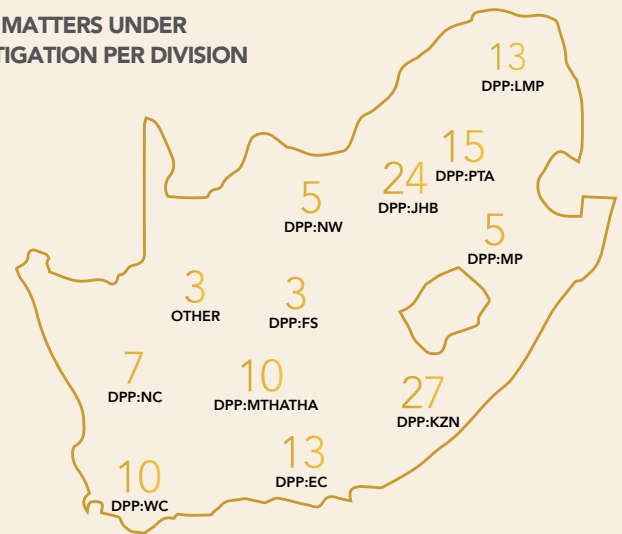
135  Matters under INVESTIGATION

10  Matters finalised since SEPTEMBER 2021

 10 Pending JUDGEMENTS



TOTAL MATTERS UNDER INVESTIGATION PER DIVISION



Vision

The vision for the coming year is to find innovative ways of addressing the various challenges relating to investigating and prosecuting cold cases. The remaining matters in the seven volumes of the TRC report will also be considered to identify matters that were not previously addressed.

The component will also embark on a media campaign to highlighting their successes.

Court Preparation Programme

The NPA's Ke Bona Lesedi Court Preparation Programme is responsible for preparing victims, witnesses and their families for testimony.

The prosecutor-guided service is aimed at empowering the most vulnerable – including women, children, the elderly and those with special needs such as a disability or medical condition – to testify. The following witnesses were assisted:

- 21 229 children under the age of 18 (16.4%)
- 107 545 adults (41.7%)
- 57 498 in sexual offences matters (22.3%)

The Programme also facilitates the development of victim impact statements to assist the courts in determining a just and fair sentence. The Programme helped to prepare 9 404 victim impact statements, a 20% improvement on the 7 813 prepared in the previous financial year. Prosecutors used 2 336 victim impact

statements in court, a 3% decline from the previous financial year.

A total of 128 767 court preparation sessions were conducted during the past financial year, assisting 257 568 witnesses. This is a 34% improvement on court sessions (up from 97 213) and a 28% improvement on witnesses assisted (up from 100 743) compared to the previous financial year.

Aspirant Prosecutor Programme

The APP provides a platform to recruit and train prosecutors at entry level. In 2022, 33 clusters participated in the training programme and 305 Aspirant Prosecutors were recruited.

In January 2022, 250 Aspirant Prosecutors were appointed at the 33 training centres, and 55 Aspirant Prosecutors were appointed in March 2022. A total of 298 Aspirant Prosecutors were permanently appointed as District Court prosecutors at the end of 2022 financial year. Only five Aspirant Prosecutors failed to successfully complete the programme.

The NPS and HRM&D collaborated with Legal Education and Development (LEAD) on capacitating prosecutors on practical prosecutorial skills. LEAD is one of the largest providers of legal professional education in South Africa and has been accredited as a legal education provider by the Legal Practice Council.

Asset Forfeiture Unit



Key Achievements

AFU has embarked on an ambitious strategic reform process to redesign the AFU of the future. This has resulted in improved performance, enhanced collaboration and aligned strategic positioning within the NPA and broader criminal justice system. During the year under assessment, the following was achieved:

1. A team of AFU specialists were assigned to co-locate at the FIC and form part of a multi-disciplinary asset recovery hub tasked with identifying suspicious transaction reports with asset recovery potential and converting these into asset recoveries.
2. External counsel was appointed for the AFU in terms of section 38 of the NPA Act to address state capture corruption cases relating to international recoveries.
3. The AFU Asset Recovery Strategy was approved, and implementation is yielding results. The strategy has aligned AFU deliverables with that of the other law enforcement agencies.
4. Weaknesses in AFU's capability to deal with complex crimes was addressed by establishing a task team in the AFU head office to deal with key priority issues such as organised crime, serious corruption and damage to essential infrastructure.
5. Expanded use of ADRM initiatives to increase recoveries.
6. The concept of using foreign entities specialising in the recovery of proceeds in foreign jurisdictions was introduced.
7. A strategic workshop on organised crime was held at which the roles and responsibilities of the AFU in addressing organised crime was concretised and agreement was reached on the alignment of targets and priority crimes with key law enforcement stakeholders.
8. Dedicated staff were allocated to the ID to assist with the prioritisation of state capture cases.
9. The head of the AFU co-chaired the Integrated Task Force to coordinate the response to the Zondo Commission Report with a focus on interventions enabling targeted effective case prioritisation.



Key Challenges

The sourcing and finalisation of high-value priority cases to achieve the high targets set for corruption matters proved challenging. The FIC project referred to earlier was initiated to increase quality referrals.

The Special Director resigned during the last quarter of the financial year and an acting Special Director had not been appointed by the Minister by the end of the financial year. Some of the key tasks were assigned to managers within the AFU, while the head of the AFU took the balance of the responsibilities on herself.

Whilst the AFU received significant increases in budget, the nature and extent of state capture, other serious corruption and organised crime cases has demonstrated a need for more investigators and prosecutors. Counsel have been appointed in terms of section 38 of the NPA Act for some of the complex matters.

ASSET FORFEITURE UNIT

Alternative Dispute Resolution (ADR) settlements

ABB
R2.5bn



Value of freezing orders in corruption and related matters
R570m

The AFU obtained **521** completed confiscation and forfeiture orders to the value of **R495m**



1630 freezing orders
R12.4bn



Recoveries in corruption matters **R2.83bn**



Value of recoveries (not including corruption matters)
R240m

AFU Performance for the past five years

2 098

Confiscations and Forfeitures

R4.54bn



R3.5bn

REPAID TO ALL VICTIMS

(R31.5 million repaid to foreign victims only)



PAID into CARA

R3.1bn

Stakeholder engagements

The AFU engages with a wide range of stakeholders – some of the highlights of the achievements related to these engagements have been set out above. In strengthening the AFU’s understanding and strategy in addressing complexities and the changing nature of organised crime, the AFU has engaged researchers as well as organised crime law enforcement agencies in pushing for the timeous referral of organised crime cases to the AFU.

Performance management

The performance management of the AFU is a constant process of monitoring and evaluating performance and implementing changes where necessary to ensure the continued performance of the unit. The National Management Meetings with the regional heads and senior deputies is the structure through which the performance of each region is interrogated, and changes made where required.

Freezing orders: The AFU obtains freezing orders in terms of both Chapter 5 (restraints) and Chapter 6 (preservations) of POCA. The purpose of these orders is to secure the assets and to prevent dissipation. The AFU measures both the number and value of the freezing orders. The AFU obtained 388 freezing orders to the value of R871m.

Confiscation and forfeiture orders: Confiscation orders are obtained in terms of Chapter 5 of POCA on conviction of the accused, targeting the benefit derived from those crimes. Forfeiture orders are obtained in terms of Chapter 6 of POCA following a preservation having been obtained. Forfeitures target the proceeds and instrumentalities of crime. The AFU obtained 521 completed confiscation and forfeiture orders to the value of R495m.

Freezing orders in corruption and related matters: The AFU obtained freezing orders to the value of R570m in corruption and related matters.

Recoveries: Once a confiscation or forfeiture order is obtained, the AFU can proceed with the recovery of the assets. The recoveries are counted once the money has been deposited into CARA or the account of the victim. The value of assets, other than cash, is also included in the indicator once such assets are returned to the victim. The AFU obtained recoveries to the value of R240m. This value does not include recoveries in large corruption matters.

Recoveries in corruption and related matters: The AFU obtained recoveries in the amount of R2.83bn in corruption matters. A large recovery was made using ADRM.

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



Vision

The AFU has set the following very clear strategic objectives for the coming year:

1. Decisively address corruption by intensifying interventions to bring back the stolen money from local and international jurisdictions.
2. Supporting community prosecutions through impactful targeted asset recovery interventions.
3. Ensure organised crime does not pay through disruptive asset recoveries.
4. Contribute to the reversal of FATF grey listing through targeted money laundering cases.

These strategic objectives aim to ensure continued improvements in efficiency and performance in the achievement of these objectives by focusing on the following:

1. The recovery of proceeds moved to foreign jurisdictions.
2. Increased use of section 38 appointments for complex matters. Regions have been allocated specific cases. A meeting was held with the Zondo Commission record keeping team to request information to support the process for asset recovery.
3. Extend the use of section 18 of POCA by the DPPs. The communities can see the impact of asset forfeiture through this project.
4. Prioritisation of high impact cases. This includes the prioritisation of cases that would enable the country to address the FATF grey listing.
5. Play a key role in the JCPS and in the country’s approach to combating financial crimes, money laundering and terrorist financing.
6. The full implementation of the Asset Recovery Strategy.
7. Increase in recoveries through ADRM.
8. Drive targeted asset recoveries in corruption cases.

The AFU has identified four illicit markets to focus on: illegal mining, drugs, organised corruption and theft, and damage to critical infrastructure. A strategy and structure to drive the AFU’s response to organised crime has been finalised.



Notable cases

The 2022/23 financial year produced several interesting and notable cases – a selection of these cases is outlined below.

“ **Mmabatho Municipality Property Deeds**

Properties that belonged to the Mmabatho Municipality were fraudulently transferred to private entities, which started to develop the properties. The AFU obtained two preservation orders for two properties. The first preservation was for a farm valued at R144m. The second was for the amount of R53m. The forfeiture applications are in progress.

“ **Irregular Transactions by the National Lotteries Commission**

This is a good example of the cooperation between the SIU and AFU. The SIU investigated the National Lotteries Commission (NLC) for irregular transactions. Officials of the NLC and non-profit organisations were involved in channelling lotto grants to purchase property for the benefit of the employees of the NLC and their friends. To date the AFU has obtained two preservation orders for properties so purchased. The first order was in the amount of R23m and the second in the amount of R56m. The forfeiture process is in progress.



Mhlathuze Water Board

The Mhlathuze Water Board undertook a process to appoint a panel of service providers to render legal services to the Water Board from the 2018/2019 financial year until 2021. The approved budget for this panel was unlawfully increased by the Chief Executive Officer (CEO) and Chief Financial Officer (CFO) of Mhlathuze. They also unlawfully awarded tenders to the value of approximately R37m to one firm on the legal panel (Mhlanga Incorporated) and excluded 15 other firms. The CEO and CFO also received undue benefits from Mhlanga Incorporated during the supply chain management process. Attorney Ralph Mhlanga of Mhlanga Incorporated transferred money from his trust account to his wife's business account, which was used to buy and improve property. Two preservation orders were obtained. The first in the amount of R28m and the second in the amount of R18m.



Project Ironside

The Hawks and other SAPS units received information of drug transportation. A suspect was stopped and arrested in Centurion. He was towing a ski-boat, which had been adapted to transport and conceal drugs, loaded with 800kg of cocaine with an estimated street value of R400m. The information and arrest led to the unearthing of a drug syndicate smuggling narcotics from South America to South Africa in a luxury yacht. The yacht was used for the ocean crossings and a fishing boat collected the drugs from the yacht offshore and brought them ashore to Cape Town. The AFU obtained a preservation for the Toyota Hilux and the ski-boat in 2021. The Hilux and ski-boat were forfeited on 9 September 2022 and R182 000 has been recovered to date. The AFU also obtained forfeiture orders against the fishing boat (named Freak Show) and the yacht (named Ke Nako). The fishing boat is valued at R600k and the yacht at R11.2m. The recovery is in progress.



The NDPP vs Vimpie Phineas Tlalefang and Others

Several senior SAPS members, including former SAPS Commissioner Kgomotso Phahlane, and two service providers, Vatika Trading and Kgotho, acted corruptly and fraudulently by ignoring public procurement processes in order to unfairly and unlawfully favour a service provider of blue lights to be installed on police vehicles. In return, the service provider paid gratuities to the senior SAPS members. A restraint in the amount of R74m was obtained by the AFU on 18 August 2022. The criminal trial is ongoing. Vatika Trading was also involved in another corrupt contract for branding police vehicles. The AFU obtained preservation and confiscation orders in the previous financial year and an amount of R8.9m was recovered on 25 May 2022.



Nomabiza Trading

Petunia Pheeha, a former director of Water Services and chairperson of the Bid Evaluation Committee for Bushbuckridge Local Municipality, and two others, Admission Amukelani Phoku and Sibusiso Shadrack Dube, were arrested in connection with numerous counts of corruption, money laundering, fraud and theft. The AFU obtained a restraint order in the amount of R30.6m on 19 September 2022. The criminal trial is ongoing. The AFU will launch a confiscation enquiry on conviction of the accused.



RN Mdluli and others

Mdluli was the head of the Crime Intelligence (CI) Division of SAPS in 2010. He conspired with colleagues Heine Barnard and Solomon Lazarus to defraud the CI and SAPS by manipulating the supply chain management process for personal gain. The AFU obtained a restraint in the amount of R16.8m on 1 June 2022. The criminal trial is ongoing. The AFU will launch a confiscation enquiry on conviction of the accused.



Eastern Cape Transport Tertiary Cooperative

The Eastern Cape Transport Tertiary Cooperative made applications for TERS payments on behalf of their members, which paid out over R220m. The claims and payments were unlawful as they did not comply with the requirements for TERS benefits. The AFU obtained a forfeiture order in the amount of R35m on 7 June 2022. The full amount has been recovered and paid back to the Unemployment Insurance Fund.



Mary Mubaiwa

South Africa received a request for MLA from Zimbabwe. The respondent, Mary Mubaiwa, is a Zimbabwe citizen. She was the CEO of a company operating in Zimbabwe that established a business relationship with two companies in South Africa. The South African companies provided pro-forma invoices to claim payments from the Zimbabwean company. The monies were then diverted to acquire property for the personal benefit of Mubaiwa. The AFU obtained a forfeiture order in the amount of R12m on 5 December 2022. The recovery process is ongoing.



3P Consulting

The matter involves corruption and tender fraud in the Gauteng Department of Health. 3P Consulting colluded with government officials to manipulate their tender – a process that culminated in the Bid Evaluation Committee and Bid Adjudication Committee (BAC) awarding tenders for budget compilation and other services. As part of the services rendered, 3P raised an account of R200m. Due to the original tender being corruptly awarded, the AFU seized and forfeited the R200m claim against the Gauteng Department of Health. The claim was ceded back to the Gauteng Department of Health on 21 September 2022. This does not reflect a recovery of money but rather the avoidance of a R200m claim.



Sunny Penny

Four Ficksburg based companies – Nivana Holdings Pty Ltd, Traggology Pty Ltd, Stone Curfew Holdings and Sunny Penny Ltd – received money from the Central Bank of Lesotho under suspicious circumstances. Lesotho nationals were assisted by officials in the Ministry of Finance’s Treasury Department to commit fraud, theft and a run money laundering scheme that used these companies as fronts to procure property to conceal the illicit origins of the monies. The payments were made with the assistance of Lesotho government officials who intercepted legitimate vouchers authorised for services provided by other companies and substituting fraudulent invoices in favour of the front companies. Preservation and forfeiture orders were obtained during the preceding financial year. The full amount of R18.6m was paid back to the Lesotho Government on 9 May 2022. The AFU also obtained a further two forfeiture orders in the amounts of R7.4m obtained on 11 August 2022 and R1.5m obtained on 23 March 2023. The recovery process is ongoing, and the monies will also be returned to the Lesotho Government once recovered.



State vs Madhoe

The matter involves several prominent businessmen in KZN as well as senior SAPS official. The alleged criminal syndicate is accused of acting in common purpose to deprive SAPS of an amount of R47m through acts of fraud, corruption, forgery, bribery and money laundering before and during the 2010 FIFA Soccer World Cup (SWC). The state alleges that the three former SAPS officials failed to follow the prescripts of the PFMA by, amongst others, deliberately delaying applications for procurement authority from the National Office for accommodation for the 2010 SWC and deliberately not following up on invitations they had sent to existing service providers (who charged reasonable rates). This resulted in the need to procure accommodation for SAPS members for the 2010 SWC on an urgent basis and at inflated rates, a mere couple of days before the start of the 2010 SWC. This was approved by the BAC and signed by then National Police Commissioner Bheki Cele on 7 June 2010, with the 2010 SWC due to start on 11 June 2010. The AFU obtained a preservation order in the amount of R165.6m on 29 March 2022 in the criminal matter being prosecuted by the ID. The AFU intends to launch a confiscation enquiry in terms of chapter 5 of POCA on conviction of the accused.

Investigating Directorate

The Investigating Directorate (ID) continues to lead the NPA's response to complex and high-level corruption matters. During the past year, the work of the ID was given greater focus through the release of the report of the Zondo Commission. In this regard, the ID took significant steps to ensure the effective alignment of the coordination of its work with other components of the NPA (such as the NPS and AFU), and between the ID and other law enforcement agencies, particularly the DPCI. The ID remains conscious of the fact that the South African public continues to expect increased prosecution of those involved in complex corruption and state capture, as well as the recovery of stolen public funds and assets. The ID remains on track to deliver on its mandate.



Key Achievements

The work of the ID is focused on 13 major investigation categories covering the public and private sectors, some of which include sections of and/or individual, in the following entities: Transnet, Eskom, Bosasa, Estina Company (Pty) (Ltd), SAPS, the NPA, State Security Agency (SSA), Bain (SARS), McGowan, Alexkor, South African Airways and the Public Investment Corporation.

Several of these matters are already enrolled in court, whilst others are still under investigation.

Since its inception to date, 34 matters involving 203 accused individuals and 65 accused entities have been enrolled.

The ID enrolled 18 matters in the year under review. These court enrolments arose from authorised investigative work that led to the arrest of 77 individuals during the financial year, most of which are high-profile individuals. The ID authorised 13 new investigations for the 2022/23 financial year, bringing the total number of investigations authorised since the establishment of the ID to 97.

During the financial year, the ID also made significant inroads in the investigation and enrolment of alleged state capture matters. In this regard, a significant portion (32%) of all authorised matters relate to investigations into alleged state capture, whilst 50% of all enrolled matters relate to state capture. Accused individuals standing trial in state capture matters also constitute 13% of the total number of accused persons, whilst accused entities constitute 20% of all accused entities before court.

A significant success of the ID during the financial year was its contribution to the recovery of R2.5bn, which was paid into CARA. Whilst it is acknowledged that there is still a long way to go, this represents a significant milestone in the recovery of assets that were illegally obtained through state capture.

Another significant achievement, even a symbolic level, is the arrest and charging of three suspects in the Eastern Cape who attempted to bribe ID investigators to stop the investigation into their alleged criminality. In this regard, the relevant ID staff personified the level of integrity required of all ID personnel.

The year under review also marked a historic moment for the ID when President Cyril Ramaphosa announced, on 23 October 2023, that the ID will be established as a permanent entity of the NPA. The NPA commenced with several processes to give effect to the establishment of a permanent ID. These processes are ongoing and largely dependent on the finalisation and enactment of legislative amendments to the NPA Act.

The Minister of Justice and Correctional Services also approved regulations that bestow peace officer powers on ID Investigators. These regulations are significant as they provide investigators with the necessary powers to conduct their work prior to arresting suspects. Such arrests, however, must still be executed by seconded investigators who have powers of arrest until such time that the legislative amendments have been enacted.



Key Challenges

It is critical that the finalisation and enactment of the required legislative amendments to provide permanence and define the powers of the ID be finalised in the shortest possible timeframe. The current legislative limitations present significant constraints to the execution of the ID’s mandate. The NPA is working with the DoJ&CD on the finalisation of the legislation for submission to parliament.

The ID needs to be capacitated with the appropriate specialised skills and resources to investigate complex corruption, and to process and interpret large volumes of data. To create a sustainable anti-corruption capability, the ID will need to invest in recruiting the necessary skills, upskilling its existing personnel and acquiring the necessary processing systems.

The safety of ID personnel and information is an increasing challenge as the ID continues to effect more arrests and court enrolments. During the past year there were increasing attempts to intimidate investigators and two investigator computer notebooks were stolen. The ID is implementing measures to ensure the physical security of staff, whilst at the same time raising the security awareness of all its personnel.

The lack of international cooperation in relation to the extradition of the Gupta brothers is a challenge. Renewed attempts will be made to ensure the extradition of these individuals.

Communications

The public is informed of progress made on matters as part of the process of restoring public confidence in the broader criminal justice system. The Investigating Director engaged with several external role-players such as non-governmental organisations (NGOs), academics and private sector institutions. The cumulative effect of the ID’s work resulted in the Investigating Director being chosen as “person of the year” for 2022 by a leading online publication.

Stakeholder engagements

The ID cooperates with all relevant stakeholders in the execution of its mandate and maintains a strong working relationship with SAPS, the DPCI and IPID to advance criminal investigations.

The ID cooperate closely with SARS in relation to matters that involve defrauding SARS or where there is evidence of tax avoidance by individual suspects or entities. In this regard, the ID enrolled six tax matters, which involve 11 accused persons and 12 accused entities. Similarly, the ID cooperates closely with the FIC on investigations, particularly those related to suspicious financial transactions in general and transactions that may point to potential money laundering or terrorist financing. In this regard, the ID has to date made 15 requests to the FIC.

Performance management

The ID executes its functions through multi-disciplinary teams that integrate the expertise of criminal and financial investigators, data analysts, prosecutors and administrative personnel. This approach brings together a multiplicity of skills and perspectives to a single priority investigation.

Table 12: Overview of ID work, 2019 to 2023

Indicator	No.
Total number of matters authorised 2019 – 31 March 2023	97
Number of new matters authorised 01 April 2022 – 31 March 2023	13
Total number of matters under investigation	63
Total number of matters enrolled 2019 – 31 March 2023	34
Total number of accused persons 2019 – 31 March 2023	203
Number of accused entities 2019 – 31 March 2023	65
Number of tax matters enrolled 01 April 2022 – 31 March 2023	05
Number of accused persons in relation to tax offences	11
Number of accused entities in relation to tax offences	12



Vision

The ID will continue to work tirelessly to ensure that convictions are secured on all matters currently before the courts.

The ID is also acutely aware of the fact that South Africa has recently been grey listed by FATF and will address the factors raised by FATF in relation to money laundering and terrorist financing in all its existing and future investigations. Work in this regard has already commenced. The ID is already addressing the offence of money laundering in 40 of its investigations, and 16 cases before the courts relate to money laundering. The ID is working closely with the FIC in this regard.

The ID will also embark on an extensive training programme on MLA and extraditions as part of the process of creating capable and sustainable capacity to address the concerns raised by FATF in these two areas.

The ID will focus on its establishment as a permanent unit in the NPA, particularly in relation to building infrastructural capacity, training investigators and prosecutors, securing adequate accommodation, and developing domestic and international partnerships.

INVESTIGATING DIRECTORATE

34 

STATE
CAPTURE &
RELATED
MATTERS



15 **Cases enrolled**

Security sector cases



6 **Cases enrolled**



Restraining orders valued at

R7.18bn

For the past two financial years

7 **Criminal matters**
10 **Civil matters**

34  **Criminal matters**

10 

Civil matters

Flow from the criminal matters



5 **Cases enrolled**

State owned entities cases



10 **Cases enrolled**

ID and AFU cases



8 **Cases enrolled**

ID and SARS cases

Legal Affairs Division

The LAD is responsible for dealing with civil actions and applications arising from prosecutorial decisions. LAD also provides legal advice and guidance to the NPA Business Units relating to civil actions and applications, and contractual obligations. The unit supports every employee to perform their work without fear, favour and prejudice. In essence, LAD protects the interests of NPA and the State in state litigation in which the NPA is involved.

The DNDPP retired during this period and Adv Rabaji-Rasethaba is overseeing LAD in the interim and has put a strategy in place to rebuild the unit.

Capacity

With the steady increase in civil litigation matters requiring a dedicated national and regional team, the NPA has approved the creation of regional capacity for LAD. Posts have been advertised and will be filled in the coming year.



Key Achievements

LAD maintained its excellent performance ensuring that NPA was not exploited:

- 100% of applications received were dealt with within five days
- LAD slightly missed its target for the percentage of civil actions dealt with within five days when the illness of one of the advocates caused a backlog
- LAD has maintained a high success rate in defending matters, achieving 80% success against a target of 50%
- Amounts paid to plaintiffs were minimised, with LAD ensuring a 98.1% saving in civil claims against the NPA (the NPA paid out R2 997 754.46 against claims of R155 984 619.33).

The NPA has made a concerted effort to address the audit finding on the completeness and accuracy of the Contingent and Provisions register and disclosure, which are within LAD's domain. A dedicated team was appointed to undertake the individual assessment of approximately 4 300 matters

to determine the probability of success of each claim. Significant progress has been made in this regard, with all files assessed and the register updated accordingly. Sustainable processes are being put in place to maintain the register.

The effectiveness of civil litigation requires a uniform approach to an area that is not the core business of the NPA. There is a need to develop related competencies in the NPA to ensure that the interests of the organisation are protected, and reputational harm associated with civil litigation prevented or managed. A draft Civil Litigation Policy has been developed to address this area.

LAD is repositioning itself as a strategic business partner of the core business of the NPA by identifying civil litigation trends, shortcomings in prosecutor competencies, disciplinary issues, and the need for legislative amendments, policy directives and policies. These reports are provided to the NPA's leadership for actioning.



Key Challenges

Despite the excellent achievement in reducing the claim amounts paid, a year-on-year increase in payments has been detected due to default judgments. Having analysed the root cause, LAD found that state attorneys were responsible by, for example, not filing a plea or a notice to defend. These oversights were exacerbated by late notification to the NPA, which negatively affected the chances of a rescission in some instances.

Curbing this is vital because most of the matters that were lost had very good prospects for successfully defending the claim. It also creates a lot of extra work for LAD and costs extra to have a default set aside. A proposal will be made to the Solicitor General to address this challenge.

LAD is introducing a new performance indicator to monitor default judgments.



Notable cases



Osman Abdi Alli

LAD has advised the NPS on the proposed handling of cases involving illegal immigrants who indicate in court that they want to apply for refugee status. To date there have been 11 applications. Two applications in Johannesburg led to two further contempt applications as the Department of Correctional Services did not want to release upon court order but required a warrant of liberation. LAD escalated the matter to the DPP nodal point to intervene and prevent a repetition. The memorandum was informed by the receipt of several applications where the applicants were accused persons appearing on charges of contravening the Immigration Act, 13 of 2002. The accused indicated a wish to apply for refugee status in terms of the Refugee Act, 130 of 1998 and submitted that their continued detention be declared unlawful. They argued that they are entitled to remain lawfully in South Africa until the application is finally determined and that Home Affairs should be directed to accept the asylum application and issue a temporary asylum seeker permit. Costs were sought on an attorney/client basis.

The Constitutional Court held that the Refugee Act enjoys preference over the Immigration Act and that the accused had to be released. The principles apply to de facto refugees who have not yet had their status confirmed under domestic law and de jure refugees whose status has been determined as refugees.

Office for Witness Protection

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



Key Achievements

Victim-centric services were enhanced on the Witness Protection Programme:

- 100% of the witnesses and related persons were successfully discharged and resettled. During the reporting period, 63 witnesses and 47 related persons were discharged, resettled or re-located.
- Only two complaints were lodged, both were resolved.

As part of the Service Delivery Improvement Plan (SDIP), witness protection was included in the on-board training sessions of the NPA to ensure that all staff are aware of the service offerings.



Key Challenges

The OWP is readying itself for a greater demand for services due to a growing awareness of the Programme and the nature of the prosecutions undertaken by the NPA.

The witness allowances are insufficient given the increasing cost of living.

Delays in finalising the prosecution of cases impacts on the budget of the OWP and on the witnesses in the programme.

Stakeholder engagements

The Acting Director of OWP attended the International Witness Protection: Head of Experts meeting in Austria, where international good practices were shared and contacts established.

Performance management

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

The OWP continued, as it has for the past 23 years, to ensure that no witness is harmed or threatened while on the programme. However, one person and one related person died of natural causes while on the Programme.

During the past financial year, only three witnesses and one related person walked off the Witness Protection Programme, accounting for 0.6% of those on the Programme. There are several reasons to walk off, which include: the strict conditions of the Programme, isolation from family, lack of community support, profile of the witness, trauma and family pressure. It is also important to note that 99.9% of the witnesses that walk off still testify in judicial proceedings.

100% of the witnesses attended judicial proceedings.

Capacity

The OWP is in the process of filling critical vacancies. These vacancies negatively impact on employee wellness as operational staff frequently travel long distances to secure protected persons during operations.

Activities of the DPPs

Eastern Cape Division



Key Achievements

The Division has been incorporating all the areas previously part of the Transkei into the Eastern Cape Division, including Maluti and Matatiele that were previously part of the KZN Division. Various posts have been created, vacancies filled, and training provided to prosecutors.

The region has performed well in achieving most of its targets, and a culture of performance excellence is being created amongst the staff.



Key Challenges

The region experienced a shortage of staff and budget constraints. The various management platforms and structures have been streamlined to increase efficiency to reduce the impact of the constraints. Checks and balances have been put in place and a peer-review mechanism is becoming the norm.

Stakeholder engagements

The Provincial Efficiency Enhancement Committee (PEECs) and Regional Efficiency Enhancement Committee (REEC) meetings are effective and have helped to reduce the backlog of cases.

The DPP has a good working relationship with both the regional court president and the judge president of the Division. The judiciary and prosecutors are more positive as a result.

Communications

The DPP participated in a DPP Speaks event that was well attended by the media. The Division's performance information was shared, and a question-and-answer session took place. The region is utilising Facebook and other social media platforms as communication tools.

Use of electronic systems and digitisation

The Division has made extensive use of MS Teams as a method for conducting meetings, shortlisting potential candidates and conducting interviews, which has reduced travel costs and associated time.

WhatsApp is a useful tool for effective internal staff communication, particularly in times of loadshedding.

Capacity

The slightly increased vacancy rate – from 16% (44) to 17% (47) – was the result of an increase in the approved establishment size, which grew from 266 to 275. The highest vacancy rate is in the SCCU (33.3%), which is directly related to an increase in the approved establishment. The new intake of Aspirant Prosecutors doubled, which is very encouraging.

The Division has skilled staff with vast experience and can deliver on its mandate. District court prosecutors are exposed to regional courts, while regional court prosecutors are exposed to high courts to promote skills development and mentoring.

Staff morale has increased since the recruitment drive took off. The regional social club is active and has arranged several social events. The DPP recognises performance excellence of prosecutors and personally calls the prosecutor or visits the office to convey his appreciation. This is a practice that the Division's senior management is now following.



Vision

A regional newsletter will be launched in the first quarter of the coming year.

Training in specific areas has been identified for prioritisation.

Free State Division



Key Achievements

On 1 and 2 November 2022, Adv Joyce Mokoena (Chief Prosecutor: Welkom) participated in the Presidential Summit on GBVF. She facilitated a clinic on backlog cases, which was aimed at identifying challenges and providing solutions and proposals to be included in the report subject to the President's approval. Most of the recommendations derived from the Free State's GBVF Team.

The Anti-Corruption Cluster Task Team led by Sello Mathloko (Chief Prosecutor: Bloemfontein) has grown from strength to strength and has made important contributions to the successful prosecution of corruption matters involving government officials and private individuals.



Key Challenges

Shortage of personnel: While prosecutors are motivated, the shortage of personnel continues to plague the division. The advancement of more experienced staff from regional court to state advocate and from state advocate to senior state advocate creates vacancies at the lower levels. The APP has brought significant relief to the district courts.

Load shedding and poor infrastructure: These have had devastating impacts on court rolls and court hours. The magistrates utilise handwritten notes and transcriptions where possible. Only a few of the main courts have generators that can be used when the problem is severe. High Court cases are transferred to Bloemfontein for finalisation, as the building has limited loadshedding.

Stakeholder engagements

The Clusters initiated an EITT to address such crimes. A joint stakeholder indaba and training contributed to the successful prosecution of these cases and a marked increase in sentences handed out, as a result of the aggravating circumstances being placed before the court. Prosecutors have also been identified to specialise in these matters. This will continue to be a focus area in 2023/24.

Performance management

Performance management is a standing agenda item at the bi-monthly provincial management meetings. Each unit or component head reports on performance, as well as identifying areas of non-performance and opportunities for improvement. Implementation plans are structured accordingly. As a result, the Anti-Corruption Task Team, the Stock Theft Forum and the Essential Infrastructure Committee were created to prioritise focus areas.

Dedicated docket screening teams were dispatched to identified offices to improve docket preparation, reduce turnaround times and increase conviction rates. These teams worked on the Phuthaditjhaba Murder Project, the Excessive Speeding Project and the Sexual Offences Project.

Communications

A provincial quarterly newsletter to feature case reports and communicate events taking place in the province was introduced. It also features new appointments, promotions, retirements and other personal staff achievements. This newsletter is circulated nationally. The Bloemfontein and Welkom clusters introduced similar quarterly newsletters.

Several provincial events, such as the Anti-Corruption Indaba, were televised, with prosecutors and other stakeholders interviewed on live TV and radio. Two cases – the asbestos corruption case and Kestell farm murder case – received widespread media coverage. Both were used as an opportunity to engage with the media and the community.

Use of electronic systems and digitisation

The roll out of electronic systems has been hampered due to server issues, the remote rural areas involved, connection instability, lack of access and loadshedding.

Capacity

During the financial year 307 appointments were made, reducing the vacancy rate from 11% to 9.2%.

The task teams and focus areas have ensured an improvement in skills levels and the ability to carry out the mandate of the NPA.

EWP events were arranged and were well attended. These included hiking at the botanical gardens, stress relief sessions, debriefing sessions, wellness monitoring and regular informal staff gatherings. Two successful formal trauma debriefing sessions were held with the CPOs. In general, staff morale is positive and has been bolstered by prompt recruitment initiatives, the visibility of managers in the magistrates' courts and the support provided to all prosecutors by the staff of the DPP's Office.

The quarterly newsletter highlighted "A Prosecutor of the Month", which served to recognise excellence in the province, boost morale and set an example for other prosecutors.

The Division is also focussed on implementing the FATF action plan and ensuring that charges of money laundering are included where possible, especially in respect of organised crime, tax and corruption. In both the SCCU and STU, additional posts have been created and the appointment process is on-going. This additional capacity will increase the provincial ability to make a difference in these high priority areas.

The focus on GBVF will be extended in the coming year. The capacitation and utilisation of the CPOs and use of Victim Impact Statements are seen as important tools in the victim-centred approach and the unit has been strengthened by the appointment of a DDPP and the filling of vacant posts.

The appointment of a SPP for the Community Prosecutions Initiative has been an important step in ensuring that implementation at the two sites identified, Sasolburg and Bloemfontein, have steadily gained momentum. The focus is on drug abuse.

Ensuring the recruitment of skilled staff and filling all vacant posts, while attending to the enhancement of staff morale and wellbeing, is also a major focus. The APP is on-going and on track to develop a sound base from which to upskill staff that can fill vacancies in the future.



Vision

The successful prosecution of corruption remains a priority and this is enhanced by the continued growth and good work of the Anti-Corruption Cluster Task Team. The focus is on government and municipal related corruption, which has had a devastating effect on the province.

The Division will also prioritise and focus on organised crime and address the profits made by organised criminal enterprises. The Division will identify ways to capacitate and invigorate the organised crime component in both the High Court and the magistrates' courts. Through training and building stronger bonds with stakeholders, especially the DPCI: Organised Crime Component, the identification and investigation of such cases can be prioritised.



Gauteng Division: Pretoria



Key Achievements

Due to constant and well-structured stakeholder engagement, there was a dedicated focus on enrolling more complex tax cases and finalising prosecutions. This meant more cases were finalised and the Division achieved a 100% conviction rate.



Key Challenges

Loadshedding had a significant impact on the operation of courts.

The Division handles cases with a high level of complexity, leading to delays in finalisation.

Cases are only enrolled for trial once thoroughly investigated to ensure that the matters can be fast tracked through the court system. The quality of investigations is a challenge, but this is being addressed through enhanced screening before enrolment and through implementation of prosecutor-guided investigations.

The relatively inexperienced, newly appointed court prosecutors are paired with more experienced prosecutors and are constantly mentored.

There are insufficient foreign language interpreters available for the courts. This means that cases otherwise ready to proceed need to be postponed.

Legal Aid South Africa appoints defence counsel very late, which inevitably results in delays to the start of trials. Engagement with Legal Aid on this issue has been initiated.

There is no point of contact from the Department of Correctional Services to assist in locating awaiting-trial offenders. Neither Legal Aid nor the DPP has access to the Department of Correctional Services' system to locate the accused, severely hampering Legal Aid's ability to timeously locate their clients and obtain instructions from them. Legal Aid have indicated that their practitioners are not allowed more than one hour visitation for consultation.

Stakeholder engagements

There has been a tremendous improvement in the turnaround times in cases referred to the Forensic Science Laboratory for DNA and ballistic reports.

The STU has monthly meetings with SARS, where identified project investigations are discussed. Both prosecutors and investigators provide progress on their cases, identify challenges and propose solutions. The working relationship between prosecutors and investigators, as well as the quality of dockets referred for decisions, has improved tremendously. This initiative had a positive outcome, with more new cases being enrolled in the courts compared with previous years. The unit achieved 100% conviction rate.

The SCCU uses the joint case planning methodology with the police to guide investigations. This methodology is enhanced by the regular meetings with the DPCI.

Performance management

Proper performance management is ensured through individual performance contracts, as well as monthly and quarterly performance review and management meetings. Performance under each planned indicator and target is discussed and corrective measures are put in place for underachievement.

Communications

- Together with managers, the DPP held a stakeholder engagement session with GBV civil society organisations.
- In partnership with the Tshwane University of Technology, the Division held three GBV events at the Soshanguve campus.

Use of electronic systems and digitisation

The region is excited about the SDI Project, which is characterised by the digitisation of most of the operations. While this initiative is still in its infancy and developmental stage, it will contribute to enhancing the Division's performance and ability to deal with crime in a changing environment.

Capacity

At the beginning of the financial year, the staff establishment consisted of 419 posts, with 24 vacant. The establishment has increased to 436 posts, with 36 currently vacant (8.26% vacancy rate). One of the challenges has been a decline in the number of regional court prosecutors, largely due to a high number of promotions to the ID.

A total of 110 staff attended Employee Health and Wellness training during the year. Low staff morale has been addressed by encouraging staff to further their studies and apply for promotional posts, opening communication channels, referring staff to EWP services where necessary, avoiding micro-managing and implementing teamwork.

Prosecutors in the Division attended a cybercrime training course presented by the Justice College. Prosecutors gained an understanding of IP addresses, spoofing, phishing, spam, encryption, cloud computing, skimming devices, data, key loggers, social engineering, malicious software, identity theft, the deep/dark web, proxy servers and virtual private networks (VPN). More importantly, the recently promulgated Cybercrimes Act, 19 of 2020, was discussed.

Four advocates from this office were invited to attend an Open-Source Intelligence Course that was held at the Justice College and hosted by the SIU and the French Embassy.

Organised crime prosecutors attended training on the FATF.

All STU prosecutors attended basic training focusing on VAT fraud, income tax fraud, the Tax Administration Act, 28 of 2011, charging of trusts and other important legislation. This training focused extensively on the calculation of income tax and VAT – prosecutors are expected to understand why it is alleged that a taxpayer has underdeclared his/her VAT liability and to make independent calculations to determine the amount of fraud committed by the taxpayer. The training also focused on the prosecution of tax practitioners, which is a problematic area in tax investigations and prosecutions. Prosecutors are now trained to identify offences committed by tax practitioners, as well as how to approach such prosecutions.

Vision

The Division identified the following key priority areas for the coming year: drugs, trio crimes, GBV, non-complex corruption by government officials and section 18 of POCA (confiscation of benefits from accused). In addition, there will be a dedicated focus on dealing with contact crime in Mamelodi East. Each key priority area has an owner or responsible person. This is a focused, prioritised and responsive approach to the specific crimes faced by the Division.



Gauteng Local Division: Johannesburg

Management in the GLD remained committed to focussing available resources on the core function of prosecution, while curbing wastage and unnecessary expenditure. The resilience and dedication of staff in the Division continued to be one of its strengths. Senior management remained proactive in addressing challenges and constraints.

Pursuant to the Annual Operations Plan and Stakeholder session for 2022/23, certain resolutions were taken, including the identification of priority crimes in the Division, improved stakeholder engagement and improved customer focus. The identified priority areas were murder, trio crimes, GBV, corruption and money laundering. Efforts were focussed on improving performance in these areas.



Key Achievements

Despite the challenges posed by loadshedding, the Division continued to work tirelessly to ensure that the performance indicators were met, and people feel safe.

The Division managed to exceed the conviction rate targets set for the High Court, Regional Court and District Court. The conviction rate is an indicator that cases placed on the roll are properly screened, investigated and, when conducting prosecutions in court, properly prepared by prosecutors.

Adv Cobus Ehlers received a certificate of recognition from the US Secret Service for his "efforts and superior contributions to the law enforcement responsibilities of the United States Secret Service" for his handling of the extradition of Sunday Ganyo to the US.



Key Challenges

The most recent SAPS Crime Statistics provide a dismal picture of the crime prevalence and state of safety in the Division's jurisdiction. Some of the SAPS stations reporting the highest serious community reported crime fall within the three clusters of this Division, including Honeydew, Johannesburg Central, Midrand, Randfontein, Tembisa, Alexandra and Ivory Park.

The Division maintained the prosecutor-guided investigation strategy to address poor investigations from SAPS and IPID members. Where non-compliance was noted, the issue was escalated to the Provincial Head of Detectives.

The finalisation of corruption matters involving government officials remains a huge challenge. These cases are now being prioritised and closely monitored by the Portfolio Manager. Section 342A of the CPA will be used in appropriate instances to curtail unreasonable delays.

Court utilisation is closely related to case finalisation. The continued loadshedding prevented the courts from functioning optimally, causing court delays, increased court rolls, backlogs and an increase in the number of awaiting-trial detainees. This was especially severe during the third and fourth quarter of 2022/23, with daily loadshedding of stage 4 and higher. Generators at magistrates' courts were seldom working during these periods due to breakage or lack of fuel. Recording machines could not operate during these periods, with presiding officers refusing to record matters in writing. Trial ready matters were postponed multiple times, with witnesses losing faith in and respect for the justice system.

Effective case flow management, which is the primary responsibility of the judiciary, remains of critical concern.

The resourcing and delivery of basic services by DoJ&CD in the magistrates' courts have reached an all-time low. In most offices, prosecutors are expected to share facilities, which often do not even have the basics necessary to conduct research, such as internet connectivity. DoJ&CD have not adequately addressed the ongoing challenges of broken recording machines, microphones and intermediary systems. The Division is in the process of escalating these challenges to the DoJ&CD Regional Head, failing which they will be escalated to the DG under the signature of the DPP.

Stakeholder engagements

The DPP continued to engage stakeholders at a high level, attended to representations from both victims of crime and legal representatives as well as serving on multiple forums and task teams.

The DPP and management continued to engage stakeholders within the JCPS to identify and address challenges in an effort to improve performance. The Division supported the initiatives of the Chief Justice towards better case flow management, as well as the functions of the PEEC chaired by the Judge President and the Efficiency Enhancement Committee chaired by the Deputy Judge President. The Judge President in this Division has shown a positive interest in the Division's statistics and performance evaluation and has used this for his judicial management.

It became evident that there was a need to revive the GLD Law Enforcement Enhancement Stakeholder meetings with DPCI, SAPS, IPID, municipal police, Department of Correctional Services and Department of Home Affairs. These meetings are chaired by the DPP and will meet quarterly. The first meeting was held on 29 March 2023. These meetings will focus on addressing operational challenges and it is envisaged that they will strengthen inter-departmental co-operation within the law enforcement environment, which will lend itself to improved performance for all within the JCPS cluster.

Performance management

Areas of underperformance are identified in the quarterly review meetings of the Division. Compared to the Division's performance in the previous financial year, there has been an improvement in seven performance indicators, maintenance of two performance indicators, and a decline in 11 performance indicators (which is largely attributed to loadshedding).

Communications

To communicate the work of the NPA, the Division continued to make use of media platforms through the office of the Regional Communications Manager and 'word of mouth' communication during community outreach events. Internally, quarterly review meetings, internal bulletins and the information and document management office help with sharing information with colleagues.

This Division has agreed to a Divisional newsletter, which will be focus on noteworthy achievements at the local level. This will come into effect from April 2023.

Use of electronic systems and digitisation

Communication within the Division was identified as a challenge, so a request for a communication application (app) was submitted. A prototype – called Viva Engage/Yammer – was developed in conjunction with ISM and added to MS Teams.

An electronic register for both litigation and the SCCU was implemented to organise and monitor all decision dockets.

MS Power BI was used to verify performance information and to generate reports for performance reviews.

The drive to implement an ECMS in this Division is constantly monitored – all managers have received training on the use of the system and further training has been arranged in areas where shortcomings have been identified. However, ECMS is not fully operational at all offices.

Capacity

The Division's vacancy rate decreased from 75 vacant posts (13.4%) to 56 (9.4%) year on year. This improvement had a positive impact on overall staff morale.

Decided cases, amended and new legislation, and developments in law were circulated throughout the Division. Training interventions, together with the prioritisation of high-impact cases, resulted in an increase in the number of cases finalised for corruption, money laundering, copper theft, essential infrastructure theft and damage, cable theft, murder, sexual offences and trafficking in persons.

The Division embarked on a training needs assessment, through which 124 training interventions were identified and prioritised.

The lack of resourcing in the magistrates' courts, coupled with the lack of connectivity, is affecting staff morale.

A training session on employee wellness was hosted for line managers, while five EWP sessions were conducted. The Division aims to introduce more awareness sessions in the next financial year. A Divisional sports day was organised to cultivate team building and health awareness.

The recruitment drive and career opportunities has revived staff sentiment that the NPA is an employer of choice. The organisation's initiative to address the salary disparity between SMS employees and Middle Management Services employees has rekindled morale amongst SMS.

Vision

Community Prosecution Initiative: The Division aims to establish the Community Prosecution Initiative at three new sites, as well as enhance the current operations at the existing sites and continue using community prosecutions as a sustainable method of addressing community irritants and crime in general.

Prioritisation Practice and Policy: The Division aims to address crimes that have a significant impact on society and will focus on serious commercial crime, money laundering, corruption, GBVF, murder, trio crimes and sexual offences.

Service delivery improvement: The Division will engage in an extensive consultative process for the development and implementation of the NPA SDIP.

Amplifying the NPA's influence and voice within the JCPS: The Division will continue to make effective use of existing structures and platforms to strengthen working relations with its stakeholders. These consultations and meetings will assist in ensuring that issues are addressed when they arise instead of waiting to be tabled at larger forums.



KwaZulu-Natal Division



Key Achievements

The Terms of Reference (TOR) for several key relationships were revisited and revised to ensure relevance and improved efficiency. The TOR with SAPS has resulted in the establishment of local, cluster, regional and provincial efficiency optimisation fora. TOR with SOCA to improve the prosecution of sexual offences was revised and implemented. The TOR with SAPS and the Department of Community Safety and Liaison relating to the prosecution of sexual offences is being finalised.

Advisory panels to assist with complex prosecutorial decisions have been implemented.

The Community Prosecution Initiative has positively impacted residents' quality of life in Plessislaer and Umzinto. In Caluza, Laduma and Phumuza, 512 streetlights have been repaired resulting in 10 streets with improved lighting. In Umzinto, three schools have taken part in crime awareness campaigns.



Key Challenges

The prosecution of sexual offences has been a challenge. The implementation of the TOR with SOCA includes monthly meetings in the clusters to address these challenges.

Stakeholder engagements

The local, cluster, regional and provincial meetings taking place with SAPS have been standardised through a set agenda. Performance is interrogated by both stakeholders.

The Division has initiated a project with SAPS to improve the investigation and prosecution of contact crimes.

The Department of Community Safety and Liaison has a court watching brief unit that reviews case records to note SAPS shortcomings. These shortcomings are raised at provincial platforms, and it is expected that collaborative efforts will result in the improvement of investigations.

Performance management

Performance management in the Division was prioritised via the now two-day provincial meetings of senior managers (PROMANCO). At the meetings, each manager or unit head presents the performance of their respective unit/cluster/component and makes tangible and measurable commitments on plans to improve performance. These are followed up at subsequent meetings. The majority of the two-day session is focussed on performance improvement and statistics interrogation. The Division has managed a steady above-satisfactory state of performance and expects to continue this trajectory.

Communications

The Communications Unit has performed extremely well and has become a strength for the Division. The DPP was involved in a media briefing in November 2022, which was well received and garnered television coverage. The Division also issued 202 press releases, answered 2 016 media queries, conducted 74 radio interviews, provided 202 sound bites and conducted 62 TV interviews.

The regional communications manager is part of PROMANCO and has a communications plan for the relevant performance cycle.

Use of electronic systems and digitisation

The Office of the DPP, including the STU and SCCU, utilise electronic registers and processes to add efficiency to their workflow. The clusters have in the recent past utilised the MS Teams platforms to lead the evidence of witnesses where circumstances allow. However, it must be noted that the bandwidth at the magistrates' courts is limited and there are regular ICT challenges leading to this avenue being used less frequently.

The ECMS is not functioning optimally in the Division and must be supported by urgent training of prosecutors, the provision of additional support staff and addressing ICT efficacy challenges.

Performance management

The conviction rate in trio crimes has been a regional challenge for at least the past three performance cycles. The nature of this crime, together with the lack of forensic evidence and specialised SAPS units, has made it increasingly difficult to attain the conviction rate target of 85%. The forums that have been established with SAPS to address operational challenges should assist.

Corruption conviction figures in both the government sector and private sector have been negatively affected by the low case influx, as well as the fact that these cases take a long time to finalise. Similarly, there are few money laundering cases enrolled, which affects the number of convictions.

The SCCU is performing very well, given the complexity of the cases and the low acquittal rate. The conviction rate target has not been achieved due to the relatively low volume of matters finalised.

Capacity

The vacancy rate in the Division has been reduced from 9.3% to 8.7%. There are 68 vacancies on the approved establishment of 863.

Training was aimed at improving court performance and upskilling prosecutors in critical areas to ensure that the Division has the necessary skills to deliver on its mandate.

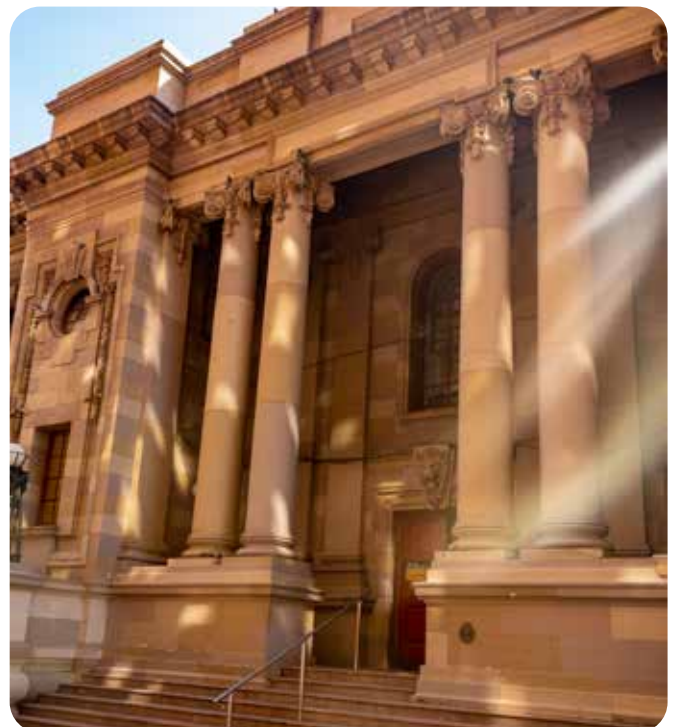
Significant progress has been made in improving staff morale. Social context training was conducted for all managers. A training workshop on emotional intelligence and rational behaviour was held to improve communication. All managers were trained on labour relations processes. Quarterly debriefing sessions were conducted for staff exposed to work related trauma.



Community Prosecution Initiative: This initiative has firmly taken root in the Division. The DPP has required every unit/component to set out their plans to prioritise this initiative in the coming year. The Inanda policing precinct has been identified as an area where community irritants that facilitate the commission of sexual offences will be addressed. An Imbizo with traditional leadership structures is planned for 2023 with relevant stakeholders to address the challenges faced by traditional leadership.

Prioritisation Practice and Policy: The division has agreed on the following priority areas:

- Durban Cluster: housebreaking
- Ntuzuma Cluster: sexual offences
- Port Shepstone Cluster: backlog and withdrawal reduction
- Ladysmith Cluster: murder case management, inclusive of screening all murder cases not enrolled
- Pietermaritzburg Cluster: murder case screening
- Empangeni Cluster: sexual offences, murder cases, trio crimes and backlog cases
- AFU: roll out of Section 18(1) forfeiture applications
- OCC: human trafficking case prioritisation
- High Courts: case backlogs
- SCCU: corruption



Mpumalanga Division



Key Achievements

On 17 November 2022, at an award ceremony held by the Department of Forestry, Fisheries & the Environment, Adv Tula Bekwa, then State Advocate in the Mpumalanga Division, won an award for outstanding contribution to the prosecution of environmental crimes.

The Regional Head of the SCCU in the Division is spearheading the National Consultative Team tasked with creating Standard Operating Procedures as prescribed by section 26 of the Cybercrimes Act, 19 of 2020. These will be utilised by members of SAPS as well as other law enforcement agencies authorised in terms of the Cybercrimes Act.

The Division's AFU successfully preserved assets valued

at R38m in an elaborate fraud committed by former Zambian Minister of Foreign Affairs, Joseph Malanji.

Victims of crime continued to benefit from the TCCs and court preparation services available throughout the Division. A new TCC was opened in Rob Ferreira Hospital in Mbombela.

The Division trained 24 aspirant prosecutors in the APP and 21 are enrolled in the 2023/2024 programme.

In addition to the establishment of the OCC, the Division also established a STU in 2022.

Two new DDPPs were appointed to bolster existing resources.



Key Challenges

Electricity interruption caused by both loadshedding and cable theft, as well as water supply interruptions, continued to affect performance and operations. Courts and offices are closed early in such instances, resulting in reduced court hours.

Flexible time management using the Eskom loadshedding schedule has been implemented with the assistance and cooperation of other role players in court. The DoJ&CD has provided generators for some courts.

Another key challenge is unstable and unreliable network connectivity. To mitigate the down time caused, staff are encouraged to utilise the NPA cell phone and data reimbursement scheme and use personal hotspots.

Performance management

The Division's performance is monitored and managed through a quarterly review meeting of the regional management. Performance is interrogated to understand what factors contributed to success and failure. Where targets are not met, interventions are discussed, documented and tracked.

Communications

On 11 August 2022, the new DPP held the inaugural DPP Speaks to introduce herself and to present the Division's performance.

The event was a success, receiving 11 media mentions from broadcast, online and social media, including a reach of 1 155 779 Twitter users and mentions on local radio station Rise FM, local newspaper The Lowvelder and Jacaranda FM.

In 2022, the Division introduced a regional communication platform to share newsworthy cases and general communication. A quarterly newsletter is also at an advanced stage of development and will be launched in the coming financial year.

Stakeholder engagements

Eskom Task Team: This is an operational team that analyses centralised dockets and identifies priority matters that directly impact Eskom operations and load shedding. These priority matters are referred to the Priority Crime Management Centre (PCMC) for further analysis and profiling, Priority Crime Specialised Investigations (PCSI) for asset and financial investigations, and to investigating officers to comply with any queries raised by the NPA. A prosecution-led approach to investigations is followed.

The operational committee meets to identify major investigations involving syndicates committing Eskom-related offences. An oversight committee reviews dockets or cases identified by the operational committee and addresses challenges that the operational committee might be experiencing regarding investigations and case finalisation. The oversight committee also provides feedback to the NATJOINTS on the progress of the task team and liaises with Eskom regarding media briefings.

Essential Infrastructure: A monthly meeting has been introduced regarding the increasing chrome theft in Witbank, with the aim of identifying investigation projects.

Copper and Mining Forum: A meeting of this forum is convened monthly to assist in guiding investigations related to the theft of ferrous and non-ferrous metals. The meeting is hosted by SAPS and challenges relating to these cases are discussed. The meetings also provide performance information and advise investigators on upcoming criminal trends.

Use of electronic systems and digitisation

To promote the utilisation of e-platforms, various internal and external stakeholder meetings are held through the use of MS Teams. These include the quarterly PEEC meetings held with the judiciary, management meetings, training and interviews. This not only saves time, but also reduces costs associated with physical meetings.

MS Planner is also used to track DPP priority cases. The MS Power BI tool is utilised to track, manage and generate performance reports for the Division.

Capacity

The Division's staff establishment grew from 287 to 319. The vacancy rate remains at 14% – it was not reduced due to newly established posts within the new specialist components that were created in this financial year (OCC and STU). There is also, however, a historically high turnover of staff due to transfers to larger divisions.

A course on the law of evidence was offered to prosecutors in all forums. This contributed to the improvement of convictions rates.

Stress and debriefing sessions were conducted in all the clusters and prosecutors can call a hotline provided by external service provider, Pro-Active Health Solutions. In collaboration with the EWP, the Division held a sports day where all three clusters participated in various sporting events, indigenous games and fun walks. There were also various stalls from financial institutions and health and wellness companies.

A skills transfer initiative will be rolled out this financial year to improve advocacy and drafting skills levels of magistrates' court prosecutors.



Vision

Community Prosecution Initiative: The division currently has two community prosecution initiatives. White River deals with GBV while Ermelo deals with stock theft. More community prosecution sites are to be identified in the coming year. The focus of these sites is to provide impactful prosecution and a victim-centric approach to dealing with crime that most affects communities.

Prioritisation Practice and Policy: The Division will focus on organised crime prevalent in the area. With 12 of the 14 coal-fired power stations located in Mpumalanga, the prosecution of organised crime related to essential infrastructure and, in particular, matters relating to Eskom, will be a key focus area for the 2023/2024 financial year.

The prosecution of essential infrastructure cases will not only be prioritised but will be approached in a strategic manner. Asset forfeiture will also play a pivotal role in ensuring that the instruments and proceeds of crime are seized and forfeited to the State.

The OCC, which was created this financial year, is still under resourced and more senior positions are required to adequately deal with the full spectrum of organised crime in the province, which includes rhino poaching, illegal mining, cash in transit heists and trafficking in persons.

Northern Cape Division



Key Achievements

In November 2022, the DPP convened the Joint Stakeholder Engagement of the JCPS cluster with the objective of strengthening closer co-operation across law enforcement agencies. Criminal diversification and cooperation require a holistic integrated approach with joint planning. Sharing resources also helps to alleviate financial constraints.



Key Challenges

The greatest challenge faced by victims of crime in the Northern Cape is the vast distances that must be travelled to access services centres. This is compounded by structural inefficiencies and shortage of personnel within specialised components.

A lack of space to accommodate all staff within court buildings means that prosecutors are posted far from the court building. This has resulted in security concerns, lack of transport to the court and difficulties in attending to witnesses, among others.

Loadshedding has had a devastating impact on court rolls and court hours. Few of the main courts have generators and, where they exist, a lack of diesel compounds the problem.

- The vehicles provided to the Division by the DoJ&CD are not in good working condition due to the delay in finalising the new fleet tender.

Stakeholder engagements

The PEEC committee sat every quarter during the 2022/2023 period. Various issues were discussed to resolve any blockages regarding the case flow in the High Court and in the magistrates' courts.

There are also operational District and REECs in the province to address challenges. The non-operational REEC of the Kimberley Cluster was revived and is operating.

Various meetings, consultations and communication took place with stakeholders to address the blockages that cause delays in the finalisation of cases. These will continue as a focus area in 2023/24.

Performance management

The first task of the newly appointed DPP was to understand the existing structures and operations within the province, and to revisit the existing systems and processes within each component, specialist unit and cluster.

Performance management is a standing agenda item in the monthly provincial management meetings. Each unit or component head reports on performance and identifies areas of non-performance and opportunities for improvement. Implementation plans are structured accordingly.

Communications

The new DPP identified an internal communications gap between the DPP's office, the senior managers and the provincial managers in the prosecutors' clusters. He initiated monthly Senior Management meetings (to include the DPP, DDPPs, CPPs and the Director: Administration) and Provincial Management meetings (to include the DPP, DDPPs, CPPs, Director: Administration, SPPs, Control Prosecutors and champions of various initiatives).

Realtime communication between DPCI and SCCU/OCC has been implemented by creating a communication platform informing all provincial heads of crime incidents due to appear in court.

A provincial newsletter entitled "Nuntium" was introduced to ensure that the work and achievements of employees within the region are promoted and to increase staff morale. Stories published in the newsletter include successfully concluded cases, events and the work of all the Business Units.

The Communications Unit also plays a pivotal role in ensuring that the work done within the region is published within the NPA's national publications by contributing articles to the Khasho publication.

Social media has become an important tool in ensuring that the work of the NPA reaches a wider audience. These platforms have been utilised to ensure that the successes of the region receive national coverage.

The Division has also engaged local communities as part of public awareness mechanisms to educate them about the NPA's work. These events are also used to hear the views of community members and provide clarity on or iron out misconceptions that might exist.

These events have assisted the Division to engage with other sector partners, such as SAPS, DoJ&CD, the Government Communication Information System, Social Development, Provincial Government and NGOs. Recent events include:

- GBV Dialogue with the students of Sol Plaatje University in Kimberley
- Antbullying Activation with the students of Sol Plaatje University in Kimberley
- Anti-Human Trafficking information sessions and door-to-door campaigns in Kuruman
- NPA information sessions in Hartwater, Jan Kempdorp and Richie.

The Division has also used media briefings, talk shows and interviews to increase awareness and educate the public. In October, the DPP participated in the DPP Speaks, to brief the media on the plans, successes and challenges of the Division. Media present included the SABC, Media24, News24, DFA newspaper and OFM as well as independent media houses within and outside the borders of the Northern Cape.

Mr Alex Tyers participated in a radio talk show with Radio Riverside (Upington), Adv Brian Mdlalose participated in a radio talk show with Revival FM (Kimberley), while Adv Keageletse Ilanga and Mr Mpho Tau participated in SABC radio and television interviews with Primetime news.

Use of electronic systems and digitisation

Several training sessions on the use of the ECMS system were conducted.

The Division developed an electronic system for the recording and management of appeals and petitions, decision docket management, civil matters, the court rolls and a leave register.

All the cases that fall within the various sectors in the Division of the High Court in the Northern Cape are also being digitised. The DNA Serial Offenders Register is also electronic.

However, the roll out of electronic systems has been hampered by server issues, the remote rural areas involved, connection instability, lack of access and loadshedding.

Capacity

The vacancy rate in the Division decreased from 13.6% at the end of March 2022 to 10.6% at the end of March 2023. A number of vacancies were filled through the absorption of aspirant prosecutors and appointments to critical posts.



The DPP has prioritised the realignment of structures and operations within the province, including existing systems and processes within each component/specialist unit and CPs' clusters.

The Division's management will also prioritise the empowerment of staff members, which is fundamental to their wellbeing and productivity.

Priority initiatives relating to the Division's performance are as follows:

- Strengthening prosecution of all forms of corruption and commercial crimes and repositioning the OCC to better address all forms of organised crime
- Focussing on cases of violence against women, the elderly, children and the vulnerable, through better use of the CPOs and victim impact statements in all crime types
- Educating communities to promote the use of TCCs and the Community Prosecution Initiative.

North West Division



Key Achievements

The Division hosted a conference and subsequent “Back to Basics” training with SAPS and DPCI. The conference, attended by approximately 500 delegates, was the beginning of a rekindled relationship that improved many areas of operations and allowed the Division to offer a better service to its clients.

The training sessions are being held at different locations across the province and the results are visible.



Key Challenges

The performance of the SCCU has been negatively affected by the low number of cases available for enrolment. The finalisation of enrolled cases is hampered by protracted pre-trial issues, such as legal representation, consultation and representations.

The lack of resources in the DPCI, the changing of investigating officers in priority cases, and delays in obtaining forensic auditing reports, bank statements and FIC reports pose a challenge. A meeting has been arranged with all stakeholders to deal with bottlenecks and challenges.

A “Bosberaad” with the chief prosecutors, senior state advocates and SPPs to address challenges has been scheduled for the start of the new financial year.

Stakeholder engagements

The most notable engagements were with the SAPS and DPCI on all levels in the Division. As a result, there is a shift from blame to co-operation.

The Division continues to build and maintain good relations with Legal Aid South Africa and the judiciary, which is helpful in addressing challenges.

Performance management

Performance management has always been and remains one of the Division’s strong points. Performance trends are identified, and the performance of each sub-cluster is interrogated in the regular SPP forum meetings, with managers expected to provide plans on how to intervene in bad performing areas.

Communications

The Division has created and maintained a media database, which is categorised into print and electronic mediums, as well as local and national media reach. The database is used to ensure that the media is kept abreast of developments on important cases.

The Division has managed to form close relations with Aganang FM and Mahikeng FM, and prosecutors are interviewed on different legal matters on a weekly basis.

A seamless working relationship with the SAPS and Hawks Communication Units has been established for information sharing purposes and to ensure that media releases are coordinated.

In December 2022, a successful DPP Speaks media briefing received wide coverage in all major electronic and print media platforms, including SABC, Newsroom Africa and eNCA.

Internal communications: The Division has successfully produced three newsletters, which provide information on outreach programmes aimed at engaging members of society and cover performance indicators in all the clusters. This has encouraged employees to perform better.

The DPP and her management team have also embarked on cluster visits to engage prosecutors on their performance and to note the challenges that hinder them from performing well.

Outreach programmes and branding: The Division has undertaken various outreach programmes in the clusters, partnering with stakeholders that include community formations, government departments and SAPS. These outreach programmes are supported by community prosecutors, CPOs and SPPs. Pamphlets and other promotional material were distributed at these events.

The SPPs were afforded the opportunity to engage with members of the public on different subject matters that include GBVF, abuse of children, drug and substance abuse and other serious and violent crimes.

Use of electronic systems and digitisation

The Division is embracing the use of electronic systems and e-platforms to improve and manage performance. The MS Power BI system is being utilised to analyse the Division's performance and to prepare the presentations that are used in various forums.

A comparison sheet has been created where prosecutors can analyse their courts' performance monthly.

Capacity

The establishment has grown considerably over the past financial year, from 316 employees to 359. The growth addressed all levels and occupations, with the vacancy rate declining from 11% in April 2022 to 9% at the end of March 2023.

Skills level of regional staff: The Division has highly skilled and experienced prosecutors and skills transfer is being used to enhance skills even further. Managers are urged to monitor the quality of work of their subordinates and give training and guidance where necessary.

Morale: Staff morale is good as a result of filling vacancies, support from top management, an open-door policy on all levels of prosecution, advocating for respect of employees on all levels and promoting the EWP.



Community Prosecution Initiative: This initiative focussed on combating and preventing stock theft, which has become more widespread, organised and violent.

The Division has identified two further areas of major concern to local communities: GBV in Ikageng (Potchefstroom) and drugs and substance abuse in Kanana (Orkney). The Community Prosecutor has already approached the relevant stakeholders for the consideration of these new sites and follow-up meetings have been scheduled. These communities will be engaged more directly through outreach, communication and education campaigns.

Prioritisation Practice and Policy: The community prosecutor will focus on drug and substance abuse, gender base violence and stock theft. The plan is for the AFU to play a more concrete roll in removing the benefits of committing crime.

Service delivery improvement: The Division has rolled out a rejuvenated CPO programme for witnesses and victims of crime.



Limpopo Division



Key Achievements

The district courts have recorded a consistently high performance, surpassing the targeted conviction rate. This is due to the commitment of prosecutors, optimal use of available resources and utilisation of ADRM. The best practices of these courts will be referenced when looking into performance improvement in the regional courts.

The establishment of specialised units has capacitated the Division to focus on organised crimes and serious corruption, helping to address the recommendations of FATF.



Key Challenges

The performance of the regional courts and the low sexual offences conviction rate require urgent and informed interventions. Inconsistencies in the High Court's performance resulted in the targeted conviction rate not being achieved. Screening mechanisms must be improved to address these challenges.

Stakeholder engagements

The Division is effectively utilising PEEC meetings to highlight challenges in its performance delivery environment. Recently, more focus on the regional courts resulted in a decline in the number of backlog cases and the Thabazimbi Regional Court sitting daily as opposed to weekly.

The Division has capitalised on the annual law exhibition and university career fair expos to interact with students and other stakeholders, legal practitioners and academics. Community outreach has been organised and facilitated by the community prosecutor and Communications Unit, where topics such as drugs, sexual offences and GBV are addressed.

Communications

The Division communicates court achievements, participates in outreach and awareness campaigns, and initiates radio slots with various media houses where prosecutors can talk about the criminal justice system and the role of the NPA.

The regional communications officer together with SOCA conducted the 16 Days of Activism for no violence against women and children campaign in different communities. A community event to address the scourge of GBV in Vhembe district was conducted in the Thohoyandou Recreational Hall together with the Realmen and Realwomen Foundation. The event was well attended, with Minister Ronald Lamola and Minister Nkoana Mashabane in attendance.

A men's conference was held at Polokwane Correctional Services together with the chaplains of Polokwane to share information on GBV and maintenance.

School outreach programmes were held at various schools where learners were taught about bullying, cyber bullying, GBV and sexual offences.

Use of electronic systems and digitisation

ECMS and other digital platforms are yet to be implemented. Only a few can make use of these platforms due to lack of access and network problems. Training and infrastructure development need to be expedited to realise digitisation. As a result, the region is largely utilising manual systems.

Capacity

The region currently has a staff establishment of 411, of which 375 posts are filled. The vacancy rate in prosecutions is 6.8%.

Training in specialised commercial crimes, sexual offences, cybercrimes and more had a positive impacted on the delivery of strategic objectives.

Prosecutors were upskilled through training and workshops as per the Annual Skills Plan and interventions from the Justice College.

Staff morale was improved through EWP sessions that were rolled out throughout the province, including interventions from the Government Employees Medical Scheme.

Vision

Community Prosecution Initiative: The Division aims to establish three new community prosecution sites at Nebo, Tzaneen and Thohoyandou in the coming year.

Service delivery improvement: The Division aims to intensify stakeholder engagements to promote efficiency in the criminal justice system and to increase feedback to victims.

Amplifying the NPA's influence and voice within the JCPS: As a major role player in the JCPS, the Division intends to increasingly influence other role players to work towards the attainment of justice for communities in Limpopo. Issues that hamper efforts to dispense justice will continue to be raised in the various platforms of engagement, including the Provincial Joint Operational and Intelligence Structure (PROVJOINTS), PEEC, REEC and other case flow management meetings.



Western Cape Division

The DPP was appointed with effect from 01 April 2022, making this her first full year in office.



Key Achievements

There has been a marked improvement in the number of cases finalised with a verdict and cases finalised through ADRM. This improvement is due to the hard work of the NPA, as well as all the other parties involved in court operations.

Table 13: Improvement in performance, 2021/2022 to 2022/2023

Indicator	2021/2022	2022/2023	Improvement
Verdict cases finalised	30 810	33 902	10% (3 092)
ADRM cases finalised	26 958	35 288	31% (8 330)
Verdict cases finalised including ADRM	57 768	69 190	20% (11 422)

The DPP implemented several initiatives to strengthen prosecution in the Division and the outputs in 2022/2023.

Section 18 Initiative: This initiative has been running for several years and is championed by a Chief Prosecutor assisted by nodal points in the clusters and components. It continued to yield results, with confiscation orders to the amount of R3 879 449.72 obtained.

Plea and sentence agreements: The division focussed on the finalisation of cases through plea and sentence agreements to address the outstanding court rolls and backlog cases. A total of 1 403 plea and sentence agreements were concluded.

DPP magistrates’ courts footprint: Prosecutors in the DPP office attached to the OCC and STU components conduct almost all their prosecutions in the magistrates’ courts. They attend each postponement and manage their prosecutions to ensure that matters are finalised speedily.

Table 14: DPP magistrates’ courts footprint for 2022/2023

Office	Finalised cases	Total hours	Criminal court days (04:30)	Convicted	Acquitted	Conviction rate
DPP Office	66	1710:44	380.2	62	4	94%

Rejuvenation of sexual offences prosecutors: The Division has a committee that oversees the work of sexual offences prosecutors. SOCA and SAPS are represented on the committee. The committee conducted a review of the regional capabilities to address sexual offences and, amongst others, recommended the debriefing of sexual offences prosecutors to address prosecutor fatigue.

Chrysalis Academy, a non-profit organisation that focuses on developing youth to enable them to become role models and agents of positive change in their communities, was approached to assist in debriefing sessions for sexual offences prosecutors. In November 2022, two debriefing sessions were held with 70 prosecutors under the theme ‘why self-care is important’. These sessions were very successful and will be made available to all prosecutors in the Division.

Improving witness liaison: Communication with witnesses and complainants has consistently been identified as a problem. A team under the leadership of a Chief Prosecutor explored solutions to this problem and developed a business case for a communication tool. The proposed solution is the implementation of an SMS communication system that augments the organisation’s ability to communicate effectively.

The implementation of the Initiative was delayed due to funding constraints, but the Division has received approval to fund the pilot project from its 2023/2024 budget allocation.



KEY ACHIEVEMENTS (continued)

Prosecutor awards: Adv Robin Lewis received two awards for his work on the Black Axe matter. This involved an extradition request from the US in respect of eight Nigerian nationals arrested in South Africa who were members of the international syndicate Black Axe. The allegations against the accused were that they committed several fraudulent offences related to romantic scams and an advance payment fee scheme fraud. They are charged by the US authorities with offences of wire fraud, aggravated identity theft and conspiracy to commit money laundering.

The US Secret Service awarded Adv Lewis for outstanding assistance and support on behalf of the investigative and protective responsibilities. Adv Lewis was also awarded Prosecutor of the Year by the Western Cape Chapter of the International Association of Financial Crime Investigators (IAFCI). The IAFCI, of which Adv Lewis is a member, is an international organisation that fights financial crime.

Stakeholder engagements

The division continues to attend the Provincial criminal justice cluster structures that coordinates various activities within the Division and is also represented on the various PROVJOINTS subcommittees that address specific priority crimes or threats.

The NPA also has regular meetings with the Judge President to discuss the High Court backlog and find ways to address these. As a result of these engagements, circuit high courts were introduced at correctional centres. This has provided some relief as cases involving multiple accused can now be tried at the High Court sitting at the Pollsmoor Correctional Centre. Two additional circuit high courts based at correctional centres will be operational in 2023/2024.

Communications

Following the announcement of her appointment, the DPP conducted an interview with print media to introduce herself to the communities of the Western Cape.

In August 2022, the DPP participated in a DPP Speaks session with the media, which received extensive coverage on television and in print media. The DPP spoke about the structure of her office and her priorities. She also undertook to deepen accountability to the communities served by the Division. It is her vision that the Division should have an accountability framework that permeates from her office to the court centre level.

Use of electronic systems and digitisation

The Division uses two electronic systems to manage and improve performance:

- Administration system: The Division has developed an administrative system that assists with the capturing, storing, retrieving and operational movements of decision dockets enrolled for prosecution. This is an effective tool that contributes to the number of decision case dockets dealt with during the reporting period.
- Electronic statistics dashboard: Performance information plays a pivotal role in indicating how well an institution is meeting its objectives. The Division developed a performance information monitoring tool that collects monthly statistics against indicators. The information is collected from clusters, fed to a central repository, analysed and presented to management to inform decision making and to provide accountability to oversight bodies and the public.

Performance management

The Division achieved all but two of the indicators in the Annual Operational Plan. The two that were not achieved were the percentage of TRC investigations finalised and government officials convicted of corruption or corruption related offences.

The Division made progress on one of the TRC matters managed by the Division, the Imam Abdullah Haron matter. Haron was arrested on 24 May 1969 and detained in Cape Town under the provision of Section 6 of the Terrorism Act of 1967 for urging Muslims to support black South Africans in their quest and fight against the racist apartheid regime. He was interrogated by members of the notorious security branch of the South African Police force and was found dead in his cell at

the Maitland Police Station after 123 days in police detention. An inquest held in 1970 found that he slipped on a flight of stairs at Caledon Square Police Station. The inquest was reopened in the Western Cape Division High Court and commenced in November 2022 before Justice Thulare. Significant progress has been made in this matter and argument will be heard on 24 April 2023.

Capacity

The number of Senior State Advocates increased from 33 to 45 as of 31 March 2023. The establishment grew from 661 to 724, with a vacancy rate of 9.25%.

The high vacancy rate in senior management, specifically in the ranks of the DDPPs (44%), was a priority. Seven DDPPs have been appointed strengthening the Division's senior management cohort. This will enable the DPP to implement targeted interventions and strategies.



Vision

To prepare for the 2023/2024 financial year, the DPP convened a Senior Management Workshop; with so many new appointees, it was important for the DPP to ensure that the regional vision was cemented. The region has agreed with SAPS to focus on the following priority crimes: murder, GBV, organised crime, trio crimes, corruption, public transport violence, illegal possession of firearms and aggravated robbery.

Community Prosecutions Initiative: The Division recently suffered a setback when the SPP: Community Prosecutions accepted a position in KZN. Notwithstanding this set back, the Division is considering several potential additional sites.

Prioritisation Practice and Policy: The following crimes will be prioritised and coordinated from the DPP office: murder prosecutions, aggravated robbery (other than trio crimes) and illegal firearms.

SDIP: Under the auspices of the SDIP, the Division will focus on magistrates' courts rolls and backlogs, high court backlogs and resolving the question of priority courts. All of these will require extensive engagements with relevant stakeholders.

Projects: The division will focus on the following projects in the coming year:

- Training support to SAPS
- Sexual offences and prosecutor fatigue
- Improving litigation skills in lower courts
- Staff morale
- Improved witness liaison.





04

APPENDICES

APPENDICES

Composition of Structures Explained

Advisory Panel

A national panel of prosecutors that are regarded as experts in their fields. The panel was established as an output of the NPA Task Force and focusses on commercial crime and corruption cases. The advisory panel supports the work of the NPS and ID. Prosecutors present their cases to the panel and are advised on various aspects relating to the investigation and prosecution that includes the strength of the case, further investigation, possible charges and reviewing indictment and chargesheets.

Anti-Corruption Task Team

The ACTT is a collaborative effort between stakeholders to deal with the investigation and prosecution of serious and complex cases of corruption. The case management committee consists of members from various institutions including the DPCI, SIU, FIC, NPA, National Treasury and DPSA.

As well as monitoring cases on the Priority List, the ACTT Executive Committee also tracks the progress of foreign bribery cases, unexplained wealth, risk management, integrated resource planning and strategic matters related to COVID-19 procurement corruption. More details on progress made in the prosecution of these cases are provided above in the reports of the DNDPPs and Special Directors of the SCCU and AFU.

Africa Prosecutors Association

South Africa is an additional member of the Executive Committee of the APA. Membership to APA is country based and, unlike the IAP, does not have individual membership. Member countries are often represented in APA meetings by the heads of their prosecuting authorities, who attend with their support staff. The Executive Committee is comprised of the APA President (Egypt), the Secretary General (Mozambique) and the Treasurer General (Zambia). The Deputy Presidents are Morocco, Rwanda, Mauritius and Tanzania. Additional members are South Africa, Kenya and Namibia. The Executive Committee meetings are usually held quarterly, and the various countries rotate in hosting the meetings.

Case flow management meetings

Case flow management meetings are comprised of representatives from the NPA, Legal Aid South Africa, the judiciary, court administration (the DoJ&CD or the Office of the Chief Justice); and may also include, inter alia, SAPS, Correctional Services and the Department of Public Works and Infrastructure. These meetings

are convened at local, provincial and national levels. The objective is to identify blockages and contributing factors to poor performance and to find ways to jointly address these.

Counter Terrorism Functional Committee and its sub-committees

A multi-disciplinary committee comprising of PCLU, DPCI: CATS, SSA, CI, FIC, Defence Intelligence, DIRCO, Department of Home Affairs, etc. The role of the CTFC is to ensure that all issues relating to terrorism and terrorism financing are addressed. The CTFC also ensures that all FATF obligations and recommendations are attended to and addressed.

DPP Environmental Working Group

The DPP Environmental Working Group brings together representatives dealing with environmental crime from each of the DPP Offices within the NPA. The purpose of the group is to collaborate on challenges experienced in prosecuting biodiversity cases and to find collective solutions, share best practises and propose legislative amendments, as well as discuss and initiate the centralisation of cross-border cases to ultimately ensure more effective and successful prosecutions.

Economic Infrastructure Task Team

Multi-disciplinary task teams consisting of CI, Visible Policing and Operations, Detective and Forensic Services and the NPA have been established within provinces. The task teams contribute their expertise, experience and resources to address non-ferrous metals and essential infrastructure related crimes more effectively.

Extortion and Violence at Economic Sites National Priority Committee

Chaired by the DPCI and co-chaired by BLSA, the committee focuses on extortion and violence committed at construction and business sites. Other stakeholders include SAPS detectives, Forensic Services, Interpol, Border Policing, CI, Operational Response Services, Technology Management Services, Visible Policing & Operations and Modus Operandi Analysis Centre. The functions of the committee are to identify aspects that lead to extortion and violence at economic sites and initiate programmes to address challenges and monitor progress.

Financial Action Task Force

FATF is the global money laundering and terrorist financing watchdog. The inter-governmental body sets international standards that aim to prevent money laundering and terror financing activities and the harm they cause to society. As a policy-making body, FATF

works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas.

With more than 200 countries and jurisdictions committed to implementing them, FATF has developed recommendations or standards that ensure a co-ordinated global response to preventing organised crime, corruption and terrorism. They help authorities go after the money of criminals dealing in illegal drugs, human trafficking and related crimes. FATF also works to stop funding for weapons of mass destruction.

FATF reviews money laundering and terrorist financing techniques and continuously strengthens its standards to address new risks, such as the regulation of virtual assets, which have spread as cryptocurrencies gain popularity. FATF monitors countries to ensure they implement FATF Standards fully and effectively and holds countries that do not comply to account.

Fusion Centre

In 2020, the ACTT established a Fusion Centre. The Fusion Centre was formed by the SIU, DPCI and NPA enforcement agencies as a coordination point and key resource centre for dealing with all corruption related cases and other illicit activities associated with the COVID-19 pandemic. The aims are: 1) to ensure prompt coordinated action by said enforcement agencies to expedite the investigation, prosecution and recovery of assets; and 2) to provide an immediate response by law enforcement and corruption-fighting agencies to cases or incidents of corruption, fraud, abuse or maladministration related to COVID-19 procurement irregularities.

International Association of Prosecutors

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

International Cooperation Component

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

With its objective being efficient coordination of requests for international cooperation in criminal matters and to continuously work towards enhancing collaboration and cooperation, the Component participates in a number of national and international fora, inter alia: 1) Interdepartmental meetings coordinated by DIRCO, DPSA and the DoJ&CD; 2) Interdepartmental Committee on MLA and Extradition coordinated by the DoJ&CD; 3) Interdepartmental Working Group on the FATF Mutual Evaluation Report coordinated by the FIC; 4) Meetings with counterparts from other countries on invitation and in conjunction with the DoJ&CD, DIRCO and the DPSA or the FIC; and 5) UN meetings that pertain to international cooperation.

Missing Persons Task Team

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

National Non-Ferrous Metals Crime Combating Committee

The National Non-Ferrous Metals Crime Combating Committee (NFMCCC) is chaired by the DPCI and sits quarterly. External Stakeholders attending the NFMCCC include Municipal/Metropolitan Police Departments, Border Management Agency, Department of Home Affairs, Industry Crime Forum, DIRCO, DoJ&CD, FIC, SSA, Cell C, MTN, Vodacom, State-Owned Enterprises (such as PRASA, Eskom, BOC Gautrain, City Power, Telkom and Transnet) and Bidvest Protea Coin. The functions of the NFMCCC are the following: address/prevent the illegal trade in non-ferrous metals and cell phone tower batteries in South Africa and the SADC region; facilitate the development of stricter legislation relating to and dealing in non-ferrous metals; creating awareness regarding the investigation of non-ferrous metals and essential infrastructure related cases; ensure projects are registered to address essential infrastructure related crimes; develop a case management database that will identify challenges experienced with non-ferrous metal related dockets and crime scenes; and gather information and determine hotspot areas in relation to cell phone tower battery theft, cable theft, etc., as identified by telecommunication companies and other stakeholders. Provincial NFMCCC structures are chaired by the SAPS Provincial Coordinators and meet monthly. All NPA/OCC Provincial Coordinators are expected to attend these meetings.

National Priority Crimes Operational Committee

This oversight and coordinating structure is established in terms of section 17J of South African Police Service Act, 68 of 1995, to review, monitor and facilitate the support and assistance needed by the DPCI in the investigation of national priority offences. It is supported by three broad streams: serious corruption (in effect the ACTT), serious commercial crime and organised crime. Cross-cutting issues (including asset recovery) and existing inter-departmental committees will be aligned to the three streams. A multi-disciplinary team has been established to identify all existing structures beyond the ACTT to ensure proper alignment and reporting, and to present a proposal.

National Working Committee on Tax Prosecutions

The committee consists of the SDPP Tax, the national head of SARS criminal investigations, the regional tax DDPPs and the SARS manager responsible for investigating tax related criminal offences. The main objective of the National Working Committee is to align the business plans of SARS and the NPA and provide an environment that will be conducive for both organisations to reach their set targets for the year. The National Working Committee meets bi-monthly to discuss various strategies aimed at expediting investigations and prosecutions of tax-related offences referred by the SARS to the NPA.

National Efficiency Enhancement Committee

The National Efficiency Enhancement Committee (NEEC) was established by the judiciary and is chaired by the Chief Justice. The NDPP, with the Head of the NPS, represent the NPA. Its primary objective is to ensure the efficiency and effectiveness of the courts. The NEEC identifies challenges that undermine efficiency and employs its collective wisdom behind closed doors to find solutions without compromising the Constitution and the law. The NEEC is comprised of the Chief Justice, President of the Supreme Court of Appeal, Judge President of the Gauteng Division of the High Court, Judge President of the Northern Cape High Court, a judge representing the Judicial Case Management Committee, Regional Court Presidents, National Commissioners of SAPS and Correctional Services, Directors-General of the Departments of Public Works, Justice, Health and Social Development, the Chairperson and CEO of Legal Aid South Africa, the Chief Executive Officer of the Road Accident Fund, the NDPP and head of the NPS, Chief Magistrates, representatives of the Law Society of South Africa and the General Council of the Bar.

National Coordination and Strategic Management Task Team

Formed during 2009, the National Coordination and Strategic Management Task Team (NCSMT) adopted a multi-disciplinary approach to address illicit mining. The NCSMT consists of several stakeholders including the NPA, DoJ&CD, SARS, FIC, SIU, the Department of Minerals and Resources, the South African Diamonds and Precious Metals Regulator, the Council of Minerals, SSA, Visible Policing, DPCI and the police intelligence branch. It is coordinated by the DPCI. A plan has been developed for each reporting period with specific Key Performance Areas and targets.

The National Operational Coordination is a meeting held under the auspices of the NCSMT, attended by the Departments whose mandate it is to investigate, prosecute and to provide support services to the latter. During these meetings, projects, investigations and inter-departmental operations are planned.

National Task Team

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

The NTT has formulated Provincial Task Teams (PTTs) in the Northern Cape, Limpopo and Mpumalanga. More PTTs are going to be formed in other parts of the country. The activities of the PTTs are coordinated by the Regional Offices of the DoJ&CD.

The Working Group of the NTT also established a Rapid Response Team (RRT) comprised of representatives of the DoJ&CD, the NPA, SAPS and civil society

organisations. The RRT was created to respond to pending cases in the criminal justice system for crimes levelled against LGBTQI+ persons. This initiative has both medium- and long-term goals.

North-West Intervention Inter Ministerial Task Team

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

Integrated Task Force

The Integrated Task Force, introduced early in 2022, prioritises DPCI and NPA responses to the reports of the Zondo Commission. The Integrated Task Force is mandated to do the following: consider the findings and recommendations flowing from the Zondo Commission; consider and make recommendations on how the work should be most effectively coordinated by the DPCI and the NPA (including and through enhanced collaboration with relevant external partners); regularly review progress made with regard to matters; consider making further recommendations; and provide high-level reports to the NDPP and head of the DPCI.

The meeting is chaired by the DNDPP: NPS but attended by all stakeholders within the NPA (ID, AFU, NPS, SCCU, SOC and communications) as well as the DPCI, SIU and the FIC.

Initiatives flowing from this meeting includes the conception of the Advisory Panel that consists of experts within the ID, SCCU and DPCI as well as ad hoc experts that are invited in accordance with the needs of specific case requirements. This is supported by an integrated top 10 Priority Committee, which considers SCCC cases as well as other priority cases in greater detail to ensure that investigations are concluded and matters are brought to trial.

NPA Executive Committee

The ExCo of the NPA was established by the NDPP to tackle the high-level strategic matters of the organisation. It is comprised of the NDPP, DNDPPs and the Special Advisor to the NDPP. ExCo also leads the organisation's preparedness for accountability to the external environment, such as the media, parliament and the general public.

NPA Management Committee

The ManCo of the NPA was established to provide oversight and ensure delivery on key organisational responsibilities. ManCo is meant to hold the NPA's management accountable for setting operational goals and ensuring delivery thereof. ManCo is comprised of the NDPP and the DNDPPs, as well as all the SDPPs, DPPs and Chief Directors.

Organisation for Economic Co-operation and Development

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

Provincial Efficiency Enhancement Committee

The PEEC is a judiciary led structure aimed at improving case-flow management in the provinces. The PEEC is comprised of the relevant stakeholders, including the DPP. The PEEC are mandated to enhance access to justice by ensuring, among others: 1) The cooperation and commitment of all relevant stakeholders in the efficient and effective adjudication of disputes in the courts; 2) The proper implementation of norms and standards; and 3) The proper understanding and support of case-flow management. The Heads of Courts are required to report on the progress of the PEECs to the Chief Justice.

SAMLIT Illegal Wildlife Trade expert group

SAMLIT was established in December 2019 as a collaborative initiative between the FIC, the Prudential Authority of the South African Reserve Bank and registered banks in South Africa. The objectives are to assist in the effective and efficient combatting of financial crime and the enhancing of a collective understanding of financial crime trends. In order to achieve these objectives, SAMLIT established Expert Working Groups to focus on specific financial crime trends. Consequently, an expert group on the illegal wildlife trade was established.

DIVISIONAL TABLES

Eastern Cape Division

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	90.8% = 89/98	94.6% = 139/147	93.4% = 114/122
Conviction rate in regional courts	83.2% = 2013/2419	81.3% = 2 748/3 380	84.3% = 2 894/3 431
Conviction rate in district courts	92.8% = 10 95/10 877	86.% = 12 948/15 054	88.6% = 14 169/15 996
Conviction rate in murder prosecutions	81.8% = 422/516 Cases	78.7% = 618/785 Cases	81.9% = 619/756 Cases
Conviction rate in femicide prosecutions	93.% = 40/43 Counts	95.5% = 107/112 Counts	84.% = 79/94 Counts
Conviction rate in murder intimate partner femicide prosecutions	89.7% = 26/29 Counts	92.% = 69/75 Counts	84.9% = 62/73 Counts
Conviction rate in trio crimes	77.4% = 106/137	77.2% = 139/180	83.% = 161/194
Conviction rate in sexual offences	82.9% = 520/627	82.4% = 760/922	80.7% = 715/886
Conviction rate in complex commercial crime	85.7% = 42/49	90.8% = 79/87	93.2% = 68/73
Number of government officials convicted for offences related to corruption	8	22	9
Number of persons convicted of private sector corruption	8	18	11
Conviction rate in complex tax cases	80.% = 12/15	100.% = 9/9	75.% = 3/4
Number of cases finalised with verdict involving money laundering	6	16	11
Conviction rate in organised crime	90.9% = 10/11	96.% = 24/25	75.% = 9/12
Conviction rate in environmental crimes	99.2% = 129/130	97.9% = 142/145	98.3% = 59/60
Conviction rate in cybercrime prosecutions	94.4% = 17/18	100.% = 27/27	90.% = 9/10
Conviction rate in copper theft and essential infrastructure prosecutions	89.7% = 26/29	90.2% = 74/82	88.1% = 155/176
Conviction rate in cable theft	100.% = 1/1	100.% = 5/5	90.% = 9/10
Clearance ratio on decision dockets received	93.6% = 106 110 Dealt with	92.8% = 99 949 Dealt with	92.8% = 99 749 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21b NEW DIVISION is ECD or ECD MTHATHA

Free State Division

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	90.6% = 48/53	86.4% = 57/66	84.1% = 58/69
Conviction rate in regional courts	78.9% = 1 001/1 269	77.3% = 1 213/1 569	78.9% = 1 207/1 529
Conviction rate in district courts	97.7% = 20 094/20 574	96.7% = 21 249/21 964	95.7% = 18 852/19 691
Conviction rate in murder prosecutions	83.3% = 194/233 Cases	79.9% = 207/259 Cases	79.3% = 203/256 Cases
Conviction rate in femicide prosecutions	85.4% = 35/41 Counts	96.2% = 51/53 Counts	92.2% = 47/51 Counts
Conviction rate in murder intimate partner femicide prosecutions	86.5% = 32/37 Counts	95.2% = 40/42 Counts	90.9% = 30/33 Counts
Conviction rate in trio crimes	91.5% = 54/59	80.6% = 50/62	82.9% = 68/82
Conviction rate in sexual offences	70.2% = 266/379	71.4% = 419/587	72.2% = 447/619
Conviction rate in complex commercial crime	94.3% = 33/35	100.% = 22/22	83.9% = 26/31
Number of government officials convicted for offences related to corruption	13	28	38
Number of persons convicted of private sector corruption	30	34	45
Conviction rate in complex tax cases	100.% = 12/12	100.% = 25/25	100.% = 13/13
Number of cases finalised with verdict involving money laundering	4	7	13
Conviction rate in organised crime	100.% = 35/35	80.% = 4/5	100.% = 2/2
Conviction rate in environmental crimes	90.3% = 65/72	96.6% = 57/59	93.9% = 155/165
Conviction rate in cybercrime prosecutions	100.% = 5/5	100.% = 10/10	50.% = 1/2
Conviction rate in copper theft and essential infrastructure prosecutions	76.5% = 26/34	94.8% = 55/58	81.8% = 139/170
Conviction rate in cable theft	66.7% = 2/3	100.% = 9/9	81.3% = 26/32
Clearance ratio on decision dockets received	99.3% = 74 635 Dealt with	99.7% = 97 304 Dealt with	99.7% = 85 630 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is FSD

Divisional tables continued

Gauteng Division: Pretoria

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	98.% = 49/50	91.7% = 55/60	91.2% = 62/68
Conviction rate in regional courts	86.% = 1 257/1 462	83.4% = 1 396/1 674	84.2% = 1 555/1 846
Conviction rate in district courts	96.6% = 8 649/8 957	96.1% = 9 081/9 445	96.% = 11 957/12 453
Conviction rate in murder prosecutions	79.4% = 150/189 Cases	79.5% = 174/219 Cases	79.2% = 205/259 Cases
Conviction rate in femicide prosecutions	100.% = 21/21 Counts	83.3% = 20/24 Counts	88.6% = 31/35 Counts
Conviction rate in murder intimate partner femicide prosecutions	100.% = 15/15 Counts	87.% = 20/23 Counts	93.3% = 28/30 Counts
Conviction rate in trio crimes	78.2% = 86/110	81.3% = 87/107	82.6% = 114/138
Conviction rate in sexual offences	77.2% = 179/232	75.2% = 246/327	77.2% = 294/381
Conviction rate in complex commercial crime	93.8% = 45/48	98.4% = 60/61	88.9% = 80/90
Number of government officials convicted for offences related to corruption	5	4	13
Number of persons convicted of private sector corruption	11	12	14
Conviction rate in complex tax cases	100.% = 4/4	80.% = 4/5	100.% = 11/11
Number of cases finalised with verdict involving money laundering	9	6	12
Conviction rate in organised crime	100.% = 8/8	100.% = 10/10	92.3% = 12/13
Conviction rate in environmental crimes	100.% = 7/7	90.9% = 10/11	87.5% = 7/8
Conviction rate in cybercrime prosecutions	100.% = 4/4	100.% = 10/10	100.% = 5/5
Conviction rate in copper theft and essential infrastructure prosecutions	86.4% = 108/125	82.8% = 188/227	81.3% = 222/273
Conviction rate in cable theft	80.% = 24/30	83.% = 44/53	78.7% = 59/75
Clearance ratio on decision dockets received	95.5% = 89 349 Dealt with	94.7% = 81 591 Dealt with	98.8% = 81 681 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is GDP

Gauteng Local Division: Johannesburg

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	95.2% = 80/84	92.1% = 82/89	89.7% = 113/126
Conviction rate in regional courts	83.6% = 1 589/1 901	79.1% = 2 137/2 700	81.8% = 2 327/2 846
Conviction rate in district courts	95.1% = 7 375/7 754	90.8% = 7 230/7 961	94.6% = 13 527/14 296
Conviction rate in murder prosecutions	76.8% = 149/194 Cases	71.2% = 190/267 Cases	79.5% = 268/337 Cases
Conviction rate in femicide prosecutions	95.7% = 22/23 Counts	100.% = 26/26 Counts	95.9% = 47/49 Counts
Conviction rate in murder intimate partner femicide prosecutions	87.5% = 14/16 Counts	100.% = 22/22 Counts	94.6% = 35/37 Counts
Conviction rate in trio crimes	89.3% = 109/122	79.% = 162/205	78.3% = 148/189
Conviction rate in sexual offences	74.4% = 125/168	66.% = 217/329	69.2% = 254/367
Conviction rate in complex commercial crime	89.3% = 67/75	85.7% = 60/70	76.7% = 46/60
Number of government officials convicted for offences related to corruption	4	12	11
Number of persons convicted of private sector corruption	21	41	34
Conviction rate in complex tax cases	78.9% = 15/19	100.% = 21/21	97.1% = 33/34
Number of cases finalised with verdict involving money laundering	11	21	6
Conviction rate in organised crime	100.% = 36/36	96.% = 24/25	90.9% = 10/11
Conviction rate in environmental crimes	100.% = 89/89	100.% = 54/54	98.1% = 103/105
Conviction rate in cybercrime prosecutions	100.% = 26/26	95.1% = 39/41	100.% = 4/4
Conviction rate in copper theft and essential infrastructure prosecutions	90.7% = 107/118	77.% = 184/239	85.2% = 351/412
Conviction rate in cable theft	88.5% = 23/26	90.5% = 38/42	90.7% = 107/118
Clearance ratio on decision dockets received	94.4% = 123 508 Dealt with	91.3% = 107 363 Dealt with	91.6% = 112 870 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is GLD

Divisional tables continued

KwaZulu-Natal Division

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	93.3% = 56/60	85.7% = 78/91	89.6% = 95/106
Conviction rate in regional courts	80.2% = 1 835/2 287	79.1% = 2 481/3 137	80.4% = 2 280/2 836
Conviction rate in district courts	96.5% = 16 555/17 150	94.6% = 17 506/18 513	95.% = 20 118/21 183
Conviction rate in murder prosecutions	80.9% = 411/508 Cases	75.3% = 577/766 Cases	81.% = 608/751 Cases
Conviction rate in femicide prosecutions	96.9% = 31/32 Counts	89.2% = 66/74 Counts	94.8% = 91/96 Counts
Conviction rate in murder intimate partner femicide prosecutions	96.4% = 27/28 Counts	92.9% = 65/70 Counts	98.6% = 70/71 Counts
Conviction rate in trio crimes	85.3% = 185/217	82.3% = 260/316	84.7% = 222/262
Conviction rate in sexual offences	74.8% = 369/493	70.6% = 505/715	71.5% = 449/628
Conviction rate in complex commercial crime	91.9% = 34/37	84.% = 42/50	88.4% = 38/43
Number of government officials convicted for offences related to corruption	15	23	13
Number of persons convicted of private sector corruption	11	11	16
Conviction rate in complex tax cases	100.% = 14/14	100.% = 20/20	92.9% = 13/14
Number of cases finalised with verdict involving money laundering	10	12	8
Conviction rate in organised crime	66.7% = 6/9	91.7% = 22/24	82.4% = 14/17
Conviction rate in environmental crimes	89.7% = 35/39	91.7% = 22/24	100.% = 26/26
Conviction rate in cybercrime prosecutions	100.% = 16/16	94.3% = 33/35	90.9% = 10/11
Conviction rate in copper theft and essential infrastructure prosecutions	96.1% = 49/51	92.% = 103/112	84.8% = 139/164
Conviction rate in cable theft	.% = 0/0	66.7% = 2/3	75.% = 12/16
Clearance ratio on decision dockets received	100.% = 110 373 Dealt with	100.% = 114 060 Dealt with	99.5% = 124 278 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is KZND

Limpopo Division

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	90.6% = 77/85	87.4% = 83/95	85.7% = 126/147
Conviction rate in regional courts	68.6% = 687/1 001	70.7% = 650/920	72.8% = 684/939
Conviction rate in district courts	94.9% = 13 914/14 661	93.5% = 12 208/13 058	94.4% = 14 069/14 902
Conviction rate in murder prosecutions	74.2% = 132/178 Cases	69% = 118/171 Cases	73.2% = 186/254 Cases
Conviction rate in femicide prosecutions	90.9% = 10/11 Counts	100.% = 20/20 Counts	97.2% = 35/36 Counts
Conviction rate in murder intimate partner femicide prosecutions	88.9% = 8/9 Counts	100.% = 14/14 Counts	94.3% = 33/35 Counts
Conviction rate in trio crimes	91.3% = 63/69	86.1% = 68/79	78.8% = 78/99
Conviction rate in sexual offences	56.5% = 174/308	57.8% = 155/268	59.2% = 184/311
Conviction rate in complex commercial crime	91.7% = 11/12	78.3% = 18/23	81.6% = 40/49
Number of government officials convicted for offences related to corruption	6	4	13
Number of persons convicted of private sector corruption	5	8	18
Conviction rate in complex tax cases	.% = 0/0	100.% = 1/1	96.8% = 30/31
Number of cases finalised with verdict involving money laundering	1	0	3
Conviction rate in organised crime	= /	100.% = 1/1	100.% = 18/18
Conviction rate in environmental crimes	81.3% = 13/16	85.7% = 18/21	87.5% = 14/16
Conviction rate in cybercrime prosecutions	.% = 0/0	.% = 0/0	100.% = 3/3
Conviction rate in copper theft and essential infrastructure prosecutions	80.% = 8/10	88.9% = 8/9	60.% = 3/5
Conviction rate in cable theft	.% = 0/0	.% = 0/0	.% = 0/0
Clearance ratio on decision dockets received	98.4% = 44 246 Dealt with	96.3% = 40 672 Dealt with	96.6% = 38 331 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is LD

Divisional tables continued

Mpumalanga Division

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	97.3% = 72/74	93.1% = 81/87	84.6% = 55/65
Conviction rate in regional courts	79.7% = 756/949	77.5% = 852/1099	82.5% = 794/963
Conviction rate in district courts	95.4% = 8 577/8 989	94.9% = 8 361/8 810	96.% = 8 532/8 890
Conviction rate in murder prosecutions	72.1% = 145/201 Cases	75.9% = 195/257 Cases	78.1% = 150/192 Cases
Conviction rate in femicide prosecutions	95.% = 19/20 Counts	100.% = 23/23 Counts	96.3% = 26/27 Counts
Conviction rate in murder intimate partner femicide prosecutions	96.2% = 25/26 Counts	100.% = 28/28 Counts	94.4% = 17/18 Counts
Conviction rate in trio crimes	86.7% = 52/60	75.% = 48/64	83.1% = 54/65
Conviction rate in sexual offences	76.3% = 213/279	70.1% = 260/371	77.% = 198/257
Conviction rate in complex commercial crime	91.7% = 11/12	25.% = 1/4	100.% = 17/17
Number of government officials convicted for offences related to corruption	5	1	6
Number of persons convicted of private sector corruption	14	25	17
Conviction rate in complex tax cases	100.% = 2/2	100.% = 6/6	100.% = 5/5
Number of cases finalised with verdict involving money laundering	0	1	2
Conviction rate in organised crime	100.% = 3/3	= /	100.% = 46/46
Conviction rate in environmental crimes	98.% = 287/293	96.8% = 244/252	96.% = 238/248
Conviction rate in cybercrime prosecutions	100.% = 3/3	100.% = 1/1	100.% = 1/1
Conviction rate in copper theft and essential infrastructure prosecutions	71.7% = 43/60	96.7% = 59/61	91.7% = 99/108
Conviction rate in cable theft	59.3% = 16/27	100.% = 20/20	92.6% = 25/27
Clearance ratio on decision dockets received	99.7% = 69 247 Dealt with	96.6% = 63 295 Dealt with	91.3% = 60 411 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is MD

Northern Cape Division

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	100.% = 19/19	94.1% = 16/17	94.4% = 17/18
Conviction rate in regional courts	84.9% = 575/677	81.7% = 607/743	79.9% = 660/826
Conviction rate in district courts	91.8% = 3 167/3 450	91.6% = 3 313/3 616	94.% = 3 802/4 045
Conviction rate in murder prosecutions	84.9% = 118/139 Cases	82.4% = 126/153 Cases	79.9% = 127/159 Cases
Conviction rate in femicide prosecutions	95.5% = 21/22 Counts	100.% = 21/21 Counts	100.% = 19/19 Counts
Conviction rate in murder intimate partner femicide prosecutions	95.% = 19/20 Counts	100.% = 22/22 Counts	100.% = 17/17 Counts
Conviction rate in trio crimes	76.2% = 16/21	70.8% = 17/24	93.8% = 15/16
Conviction rate in sexual offences	81.4% = 166/204	79.7% = 153/192	81.4% = 201/247
Conviction rate in complex commercial crime	75.% = 6/8	100.% = 16/16	100.% = 20/20
Number of government officials convicted for offences related to corruption	9	9	12
Number of persons convicted of private sector corruption	12	12	14
Conviction rate in complex tax cases	.% = 0/0	100.% = 1/1	100.% = 3/3
Number of cases finalised with verdict involving money laundering	0	2	17
Conviction rate in organised crime	100.% = 24/24	100.% = 50/50	98.4% = 61/62
Conviction rate in environmental crimes	100.% = 9/9	80.% = 4/5	83.3% = 15/18
Conviction rate in cybercrime prosecutions	100.% = 1/1	100.% = 9/9	100.% = 1/1
Conviction rate in copper theft and essential infrastructure prosecutions	100.% = 5/5	77.8% = 7/9	96.2% = 25/26
Conviction rate in cable theft	100.% = 2/2	50.% = 1/2	100.% = 7/7
Clearance ratio on decision dockets received	92.8% = 28 169 Dealt with	94.4% = 25 379 Dealt with	97.% = 26 949 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is NCD

Divisional tables continued

North West Division

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	95.2% = 20/21	90.0% = 18/20	91.3% = 21/23
Conviction rate in regional courts	85.0% = 705/829	80.9% = 934/1154	86.3% = 868/1006
Conviction rate in district courts	98.3% = 5 513/5 607	96.6% = 5 562/5 758	96.4% = 6 477/6 716
Conviction rate in murder prosecutions	83.3% = 115/138 Cases	83.3% = 204/245 Cases	83.0% = 185/223 Cases
Conviction rate in femicide prosecutions	100.0% = 16/16 Counts	100.0% = 17/17 Counts	86.1% = 31/36 Counts
Conviction rate in murder intimate partner femicide prosecutions	100.0% = 12/12 Counts	90.9% = 10/11 Counts	77.8% = 21/27 Counts
Conviction rate in trio crimes	91.7% = 44/48	82.7% = 67/81	85.5% = 53/62
Conviction rate in sexual offences	80.0% = 152/190	72.2% = 184/255	83.7% = 180/215
Conviction rate in complex commercial crime	91.7% = 11/12	80.0% = 4/5	83.3% = 15/18
Number of government officials convicted for offences related to corruption	5	8	3
Number of persons convicted of private sector corruption	1	7	2
Conviction rate in complex tax cases	100.0% = 7/7	100.0% = 11/11	100.0% = 4/4
Number of cases finalised with verdict involving money laundering	3	5	0
Conviction rate in organised crime	= /	= /	= /
Conviction rate in environmental crimes	94.1% = 16/17	100.0% = 24/24	95.8% = 23/24
Conviction rate in cybercrime prosecutions	100.0% = 8/8	100.0% = 4/4	100.0% = 2/2
Conviction rate in copper theft and essential infrastructure prosecutions	82.4% = 42/51	97.8% = 89/91	93.7% = 119/127
Conviction rate in cable theft	85.7% = 12/14	95.5% = 21/22	95.2% = 20/21
Clearance ratio on decision dockets received	85.4% = 34 217 Dealt with	96.7% = 33 418 Dealt with	96.0% = 32 810 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is NWD

Western Cape Division

Financial year	FY212	FY223	FY234
Indicator	Actual performance	Actual performance	Actual performance
Conviction rate in high courts	94.1% = 32/34	95.1% = 39/41	95.7% = 44/46
Conviction rate in regional courts	85.2% = 2 441/2 865	85.9% = 2 887/3 360	85.5% = 3 347/3 913
Conviction rate in district courts	96.1% = 21 377/22 242	95.3% = 26 013/27 303	94.9% = 28 201/29 723
Conviction rate in murder prosecutions	75.5% = 287/380 Cases	79.1% = 378/478 Cases	78.2% = 431/551 Cases
Conviction rate in femicide prosecutions	100.% = 16/16 Counts	90.% = 45/50 Counts	93.2% = 69/74 Counts
Conviction rate in murder intimate partner femicide prosecutions	100.% = 12/12 Counts	86.7% = 26/30 Counts	95.6% = 43/45 Counts
Conviction rate in trio crimes	88.7% = 94/106	88.1% = 140/159	84.6% = 121/143
Conviction rate in sexual offences	80.% = 375/469	81.4% = 503/618	75.1% = 538/716
Conviction rate in complex commercial crime	95.8% = 23/24	94.6% = 35/37	91.2% = 31/34
Number of government officials convicted for offences related to corruption	16	18	16
Number of persons convicted of private sector corruption	34	41	39
Conviction rate in complex tax cases	60.% = 3/5	93.8% = 15/16	94.7% = 18/19
Number of cases finalised with verdict involving money laundering	18	16	13
Conviction rate in organised crime	83.6% = 51/61	94.3% = 50/53	92.3% = 48/52
Conviction rate in environmental crimes	97.3% = 72/74	99.2% = 127/128	98.1% = 152/155
Conviction rate in cybercrime prosecutions	100.% = 8/8	100.% = 16/16	100.% = 3/3
Conviction rate in copper theft and essential infrastructure prosecutions	90.5% = 134/148	94.9% = 187/197	85.5% = 165/193
Conviction rate in cable theft	90.7% = 39/43	98.1% = 53/54	82.9% = 34/41
Clearance ratio on decision dockets received	94.9% = 160 971 Dealt with	94.1% = 164 414 Dealt with	91.7% = 176 065 Dealt with

Applied filters:

Excluded (6) Percentage of TRC reviews concluded (Strategic Objective), Decisions made in Priority Corruption cases older than five years (Strategic Objective), Number of new operational TCC's by end of the year (Strategic Objective), Twenty-two community prosecution initiatives implemented, monitored and evaluated (Nationally) (Strategic Objective), ENE All Corruption (Strategic Objective), Number of ML prosecutions instituted with foreign predicate offending (Strategic Objective) Fiscal Year is FY22, FY23, or FY21 NEW DIVISION is WCD

AFU TABLE

AFU performance, 2020/21 to 2022/23

Indicator	Actual performance 2020/21	Actual performance 2021/22	Actual performance 2022/23
Number of completed forfeitures	295	370	521
Value of completed forfeitures	R135 996 446	R406 009 081	R494 996 728
Number of freezing orders	308	320	388
Value of freezing orders	R1 027 153 717	R512 100 314	R871 133 276
Value freezing orders – corruption	R611 064 665	R5 499 980 615	R569 723 943
Value of recoveries, POCA	R111 355 206	R281 022 702	R239 432 841
Success rate	99.00%	99.00%	99.00%
Recoveries corruption	R2 996 628	R117 992 824	R2 834 921 756



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