

# **OVERVIEW OF NDPP AND PFMA ANNUAL REPORT 2020/21 & 2021/22 YEAR-TO-DATE PERFORMANCE**

**12 November 2021**



# **INTRODUCTION AND OVERVIEW BY NDPP**

# INTRODUCTION



- We return to this Committee to report on progress and impact that NPA has made in a very challenging and unpredictable environment. We remain committed to improving our ability to deliver justice to the people of South Africa.
- Last year I assured this Committee of our well-laid plans & interventions to rebuild an Independent, Professional, Accountable & Credible (IPAC) NPA. We have made **important progress** in this regard. But we know we **need to do more, and better**.
- One of the first action steps was to improve on the declining performance, especially in our efforts to bring the corrupt to justice. While progress has been made, it's been patchy and too slow. We have prioritised dealing with corruption, specifically by capacitating and supporting the ID.
- Unfortunately COVID-19 derailed our plans resulting in a less than satisfactory achievement of targets.
- Despite this, the NPA continued to deliver uninterrupted services and used the available time to attend to chamber work resulting in a significant increase in decision dockets being finalised which include long outstanding decisions in complex commercial crime matters.
- We also focused on getting our own house in order, with significant internal projects to improve our efficiencies, capacities and staff morale.

# CROSS-CUTTING STRATEGIC INITIATIVES



- **Building an IPAC Organisation**

- All strategic initiatives are designed to strengthen & complement the interrelated IPAC pillars.
- We are getting our house in order, including by holding corrupt and unethical NPA staff to account

- **NPA Independence**

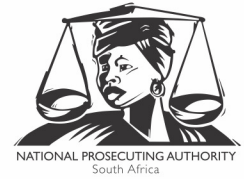
- This is a priority for the NPA. Submitted an affidavit to the Zondo Commission which makes a solid legal case for the *de jure* and *de facto* independence of the NPA.
- Initial discussions are underway with the Minister to establish a working group to ensure we are all on the same page.

- **Office for Complaints & Ethics (OCE)**

- Progressing well – proposal on draft legislation, mandate & staffing requirements will be finalised by 30 November 2021. Will assist in promoting accountability of all NPA staff, including the top leadership.

- **Innovation**

- Established the Innovation, Policy and Support Office (IPSO) as a permanent resource to support innovation across all parts of the NPA.
- IPSO has developed and supported many projects that are being implemented by various business units.



- **Community Prosecution Initiative (CPI)**

- Established 22 community prosecution sites (2 per division) & posts
- The sites focus on important crime & public safety issues, e.g. GBV, stock-theft & crime driven by alcohol/drugs.
- The impact will be measured over the next two years.

- **Non-Trial Resolutions (NTR)**

- A policy is being developed, providing for trial agreements based on international best practice and local realities.

- **Prosecution Prioritisation Policy**

- A prioritisation initiative for prosecuting housebreaking & house robberies is being developed – strategic prosecution of organised criminal gangs involved in housebreaking & house robberies can have a disproportionate impact in terms of prevalence & fear of crime.

- **Enhancing NPA Communication**

- Effective internal/external communication is now at the centre of NPA strategic priorities
- NPA intranet (Ithala) and cutting-edge website developed and launched.

# OVERALL PERFORMANCE ON NPA ANNUAL PERFORMANCE PLAN TARGETS: 2020/21



**Achieved:  
7 of 14 Indicators**

## INDICATORS ACHIEVED

Conviction Rate in High Court 93,8%  
(542/578) ENE Indicator

Conviction rate in Regional Court 82,6% (13  
352/16 169) ENE Indicator

Conviction rate in District Court 95,9%  
(116 230/121 213) ENE Indicator

Conviction rate in Sexual Offences 75,8% (2  
539/3 349) ENE Indicator

Level of quality prosecutions (survey  
conducted – 2 measures of quality used )

Number of witnesses and related persons  
threatened, harmed or killed while on the  
WPP (0)

Number of public awareness sessions  
conducted (293)

Quality  
prosecutions

Improved  
collaboration

Frequently adapt

Re-organisation of  
skills

Digitalisation  
awareness increased

# OVERALL PERFORMANCE ON NPA ANNUAL PERFORMANCE PLAN TARGETS: 2020/21



**Not Achieved: 50%  
7 of 14 Indicators**

## NPS INDICATORS NOT ACHIEVED

Conviction Rate in Complex  
Commercial Crime 90,2% (277/305)  
ENE Indicator

2,8% below 93% target

Number of persons convicted of  
private sector corruption  
(147) ENE Indicator

3 persons below 150  
target (-2%)

Number of government officials  
convicted of corruption (86)  
ENE Indicator

134 officials below 220  
target (-61%)

Number of cases involving money  
laundering (44)

46 cases below 90 target  
(-51%)

Number of operational TCCs (55)  
ENE Indicator

Only 3 less than target of  
58

90% conviction  
rate achieved

61 accused  
convicted

Additional 2  
already  
rendering  
services

# OVERALL PERFORMANCE ON NPA ANNUAL PERFORMANCE PLAN TARGETS: 2020/21



## AFU INDICATORS NOT ACHIEVED

Value of freezing orders obtained for corruption or offences relating to corruption (R611m) ENE Indicator

75% below R2,4bn target

Value of recoveries relating to corruption or related offences (R3m) ENE Indicator

99% below R1.4bn target

Value of freezing orders obtained R1.03bn vs target of R800m

308 freezing orders vs target of 264

POCA Recoveries R111m vs target of R100m

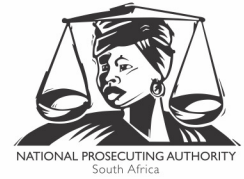
Recoveries – Government Officials convicted of corruption R127k vs target of R75k

Success rate 98%

The AFU prepared freezing orders during lockdown & moved applications when restrictions were eased



# REASONS FOR NOT ACHIEVING TARGETS (2020/21)



- COVID-19 impacted performance as investigations, consultations and trials were hampered; specifically in Regional Court matters
- NPA was particularly affected by the pandemic reporting a 22,47% infection rate (1 011) which is much higher than norm of 4,86% in South Africa.
- Likewise the SAPS and DoJ&CD suffered from a similar trend impacting courts in many areas.
- The recorded death rate in the NPA was markedly higher than in the rest of South Africa.
- Money laundering matters usually consists of several charges & intricate financial investigations, which are time consuming, and trials are protracted with several legal challenges.
- Lack of skill and capacity to dedicate staff to highly complex and voluminous matters still plagues the organisation and CJS .
- All volumes of cases in courts declined dramatically during the financial year 2020/2021 -:
  - New cases in District courts decreased by 26.4% (from 662 807 to 487 634)
  - New cases in Regional courts decreased by 23.2% (from 50 966 to 39 165) and
  - Finalised cases in all courts decreased by 40,2% (from 368 319 to 220 272).

# OVERALL NPA YTD PERFORMANCE NPA ANNUAL PERFORMANCE PLAN TARGETS: 2021/22



- The NPA has seen a marked improvement in the performance in the current financial year, with 69% of the targets achieved

Conviction rate in High court 93% (333/358)

Conviction rate in Regional court 80,9% (8 514/10 526)

Conviction rate in District court 94% (63 650/67 677)

Conviction rate in Sexual Offences 73,4% (1 713/2 335)

Conviction rate in Cable Theft 96,2% (102/106)

Number of persons convicted of private sector corruption (84)

Value of freezing orders obtained for corruption or offences relating to corruption (R1.63bn)

Number of witnesses and related persons threatened, harmed or killed whilst on the witness protection programme (0)

Number of public awareness sessions conducted (112)

## THUTHUZELA CARE CENTRES (TCC)

Sentences: TCC finalised cases

Life imprisonment: 109

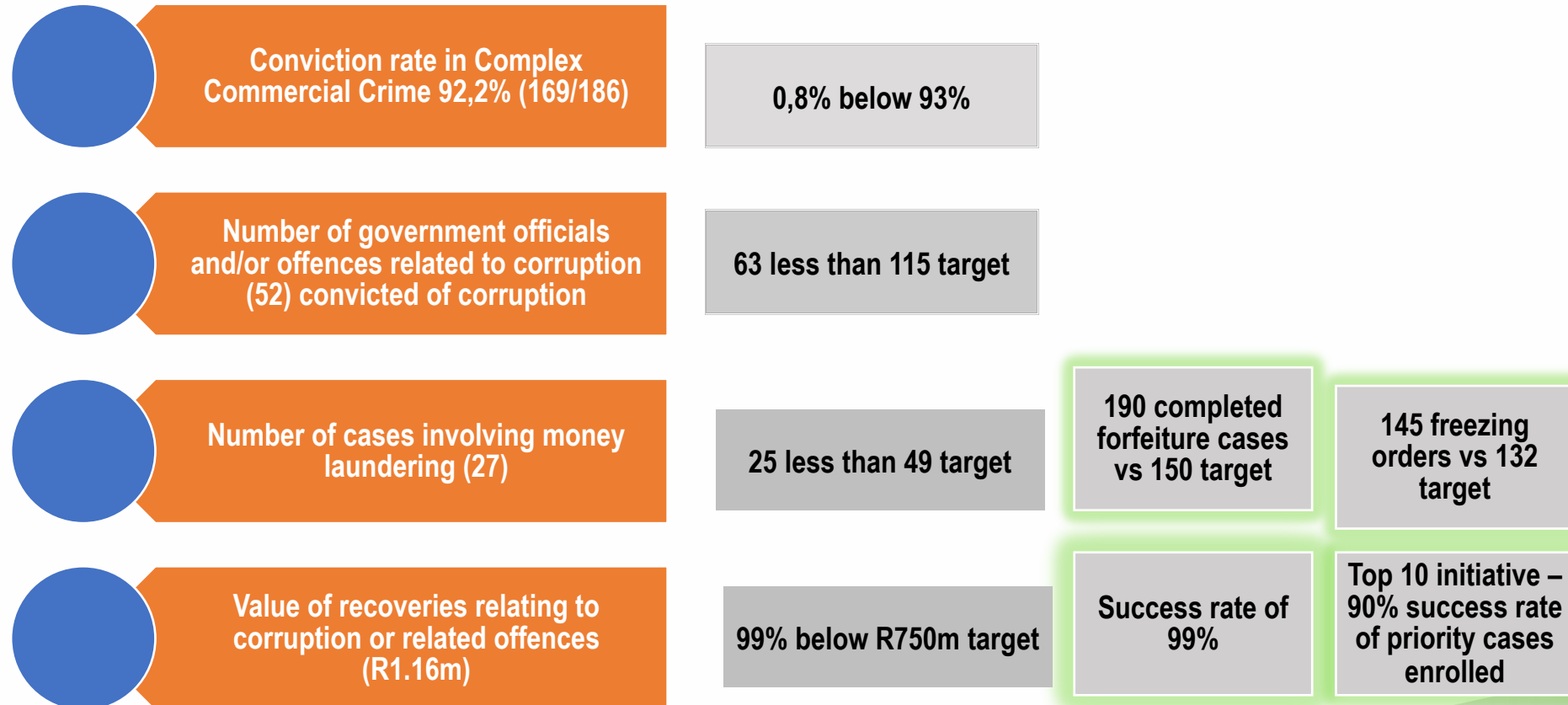
20-25 years imprisonment: 51

10-19 years imprisonment: 204

# OVERALL NPA YTD PERFORMANCE NPA ANNUAL PERFORMANCE PLAN TARGETS: 2021/22



- The following NPA targets were not achieved:



# REASONS FOR TARGETS NOT ACHIEVED (2021/22 YTD)



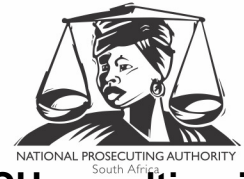
- COVID continued to impact performance as set out before although infections has significantly reduced in the last quarter as the number of individuals vaccinated increased.
- SAPS reported crime during financial year decreased remarkably.
- All volumes of cases in courts declined dramatically during previous financial year but is steadily increasing:-
  - New cases in District courts increased during Q2 this year by 4,2% (from 117 476 to 122 380)
  - New cases in Regional courts increased in Q2 by 13.8% (from 9 917 to 11 284)
  - Finalised cases in all courts increased in Q2 by 8% (from 57 602 to 62 202)
- July 2021 unrests in KZN and Gauteng created problems for a number of days but in general crimes, fewer cases were received.
- Malware attack on DoJ&CD server impacted severely on communication, though finalisation of cases appears not to have been affected.
- Network connectivity remains main problem on ECMS and electronic communication.

# **PRIORITISING FOR IMPACT IN 2021**

# **PRIORITY 1: EXPEDITING HIGH PROFILE CORRUPTION CASES**

**EXCO LEAD: Adv. Rabaji-Rasethaba**

# EXPEDITING HIGH PROFILE CORRUPTION CASES



**Identified top 10 cases were enrolled through close collaboration of ID, AFU & SCCU, resulting in positive media coverage on many of the cases.**

- Over the last six months progress has been made in the following:
  - Gauteng High Court granted an order to seize assets of R1.4bn belonging to accused implicated in the construction of Eskom's Kusile power station. The extradition hearing for Michael Lomas is set down for December in London.
  - Former Transnet board member Iqbal Sharma & former senior members of the Free State Department of Agriculture were charged with contraventions of the PFMA, fraud and money laundering.
  - The Bloemfontein High Court granted an unlimited restraint order to the value of R520m for assets belonging to Sharma and his company Nulane Investment and the Guptas through their Islandsite company.
  - The Free State High Court confirmed a provisional restraint order for almost R300m against Edwin Sodi and his companies and other accused.
  - The Nelson Mandela Bay Municipality matter resulting from a contract with a consultancy from Eastern Cape was enrolled in July 2021 involving over R25m.
  - The Free State Housing matter (leg 1) involving the Department of Human Settlement was enrolled in August 2021. The amount involved is approximately R500m.
  - One of the investigation legs of the Steinhoff matter was finalised. A MLA request is in the process of being transmitted.

# **PRIORITY 2: SERIOUS VIOLENT AND ORGANISED CRIME**

**EXCO lead: Adv de Kock**



# ORGANISED CRIME AND GENDER-BASED VIOLENCE & FEMICIDE INTERVENTION



- The dedicated OC prosecutors focus on combating serious and organised crime, linked to Robbery (CIT / Bank Robberies /ATM Bombings), Trafficking in persons, Environmental crime, Drugs, Copper theft, Essential Infrastructure matters, Gangs / Criminal groups, Extortion in the Construction Industry, Political Killing and the July unrest.
- External stakeholder engagements were conducted with the OECD, FATF, as well as the National Coordination & Strategic Management Team of the National Planning Commission.
- Stakeholder cooperation with *inter alia* the SAPS, DPCI, and FIC to ensure effective planning & sustainable success in reducing organised and serious crime and the implementation of various strategies.
- The OCC leads in the prosecution of public unrest cases of July 2021 in its various forums.
- The protection of whistle-blowers is critical for JCPS. NPA participating in ACTT initiative with the DPSA to find ways of ensuring their safety.

# ORGANISED CRIME AND GENDER-BASED VIOLENCE & FEMICIDE INTERVENTION



- Public awareness is required and ongoing, to address Gender-Based Violence & Femicide (GBVF).
- SOCA Head Office conducted training to 16 Aspirant Prosecutors from ODI, on Maintenance as part of SOCA's commitment to address the feminisation of poverty.

<b>ORGANISED and GBVF (FY 2021/2022)</b>	
Conviction rate in organised crime	<b>CRIME96,1%</b>
No of organised crime cases	<b>99</b>
Number of accused convicted in organised crime	<b>160</b>
Conviction rate in cable theft	<b>96,2%</b>
No of cases finalised involving cable theft	<b>102</b>
Femicide convictions	<b>231</b>
Conviction rate on femicide cases	<b>94,3%</b>
Intimate partner femicide cases	<b>190</b>
Conviction rate on partner femicide	<b>93,1%</b>

# ORGANISED CRIME AND GENDER-BASED VIOLENCE & FEMICIDE INTERVENTION



- The GBV training module and strategic plan have been developed.
- A SOCA media plan was formulated and activated nationally.
- Femicide, Child murder and LGBTIQ+ databases is being developed. SOCA will analyse the information once collated, to identify interventions that are needed & to develop protocols to address the interventions.
- DNA prioritisation task team established. DNA protocol in place to ensure acceleration of backlog DNA matters on the court roll.
- A case audit was conducted of all OC cases across the country. The main challenge identified was that prior to 2019 the resource constraints in the NPA impacted negatively on the volume of cases dealt with and the quality of cases received from the DPCI and OC detectives.
- As a result of the audit a list of priority organised crime cases is being developed and progress on these cases will be closely monitored.

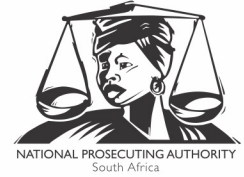
# ORGANISED CRIME AND GENDER-BASED VIOLENCE & FEMICIDE INTERVENTION



- The following CARA-funded TCC sites were identified to be completed by March 2022:
  - Cradock (EC)
  - Paarl (WC)
  - Ingwavuma (KZN)
  - Tzaneen – Kgapane Hospital (LP)
  - ODI – Ga-Rankuwa (GP) and
  - Brits – potential 6th new site (NW).
- Clearing of the backlog of cases related to GBV by tracking DNA reports with FSL nodal point:
  - So far SOCA received and distributed 2 743 reports to regions.
  - 59 reports for same accused, which straddles clusters or divisions, hence indicating the *modus operandi* of possible serial rapists.

# **PRIORITY 3: CAPACITATING THE NPA**

## **EXCO LEAD: Adv du Plessis**



- **The NPA increased capacity from 4 198 to 4 500 as at 31 March 2021:**
  - 700 posts have been advertised
  - 930 permanent posts were filled of which 439 are external appointments
  - In addition, 233 fixed-term contract appointment were made, focusing mainly on increasing capacity for commercial crimes in the AFU, SCCU & ID and
  - A further 425 Aspirant prosecutors joined the programme as the previous cohort which comprised of serving employees with LLB within the department who were not employed in legal positions. The cohort of the 87 has been absorbed into positions.
  - The current group will be completing their training at the end of the year and will be absorbed and distributed into specialised units to further increase capacity in the units. This will provide the District Court Prosecutors exposure to specialised units & to embark on specialised training immediately on completion of the aspirant programme.
  - 250 Aspirant prosecutors are being recruited to join the NPA in January 2022.
- Despite a decrease of 4%, the vacancy rate remained relatively high at 20% for prosecutorial positions.
- Overall the vacancy rate dropped by 2% to 25% as focus remained on improving prosecution capacity by the end of Financial year. This was mainly due to additional positions that were created largely in specialised units like the SCCU to increase capacity.
- **Since the beginning of the current financial year, 529 additional posts were filled:**
  - 245 external appointments;
  - 206 posts filled through promotions & transfer; and
  - 78 fixed-term contracts, ranging from six to 36 months.



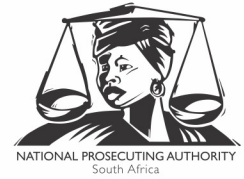
- Planned training programmes were provided to 1552 employees
- An additional 792 employees attended unplanned training as a response to the pandemic to create an avenue for non-traditional methods of training.
- Of the employees trained, 71% of the beneficiaries were prosecutors and of these 21% were trained on complex commercial crimes prosecutions.
- A challenge in the NPA is the non implementation of the LP 10 in the NPA which has a negative impact on the recruitment of specialised skills. Various options have been tabled within the NPA but the impending court decision will determine a way forward for the NPA to address the challenge.

- A joint training programme to deal with commercial crimes between NPA and the DPCI was developed and approved by both the National Director and the Head of DPCI.
- Since approval of the programme, a total of nine programmes has been delivered nationally in various centres in addition to other commercial crimes training which is being delivered as a focus area.
- A mentorship / job pairing programme has been designed and is being implemented in SCCU.
- Emanating from the OSD, the NPA developed a Skills Shortage Framework which has been submitted to the Remuneration Unit of the DPSA for further processing.
- Engagements are continuing with Justice College for the establishment of a school of Prosecution within Justice College to professionalise training of prosecutors, a broad framework has been agreed to.
- The Aspirant Prosecutor Programme (APP), commencing with the current cohort who will be completing the end of the year will be used to cultivate future specialised skills for the NPA.
- This will enable the District Court Prosecutors immediately on completion of the APP, exposure to specialised units in the NPA and to embark on specialised training immediately on completion of the APP.



# **PRIORITY 4: ENHANCING STAFF MORALE AND WELL-BEING**

**EXCO LEAD: Adv Mokgatla**

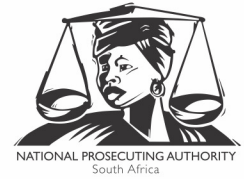


- Comprehensive Cultural Enhancement initiative launched and being implemented..
- SOC launched an efficiency enhancement initiative to improve support services to all staff.
- Broad NPA Harassment Policy was approved.
- A more user-friendly NPA intranet portal was launched in July (Ithala).
- NPA ExCo will continue undertaking regional visits to engage with staff to provide another forum for feedback, awareness raising and prioritising of staff concerns and perspectives. Taking leadership to the ground, and getting bottom up perspectives into leadership decisions

# **STRATEGIC INITIATIVES FOCUSING ON APP PRIORITIES**

# **CORRUPTION**

## **Adv de Kock**



- **Current year focuses on old cases from the ACTT Priority list.**
  - Monthly case management meetings with all stakeholders where cases under investigation and in court are monitored.
  - Since April 2021 there were **32** new cases added to the list.
  - Fusion centre cases are also prioritised with corruption related to COVID-19-
    - Currently **30** cases in court involving **65** accused; and
    - **16** cases finalised; **15** convictions.
- **5** of the **10** ACTT priority corruption cases identified in collaboration with ACTT stakeholders, have been enrolled.
- Close collaboration with DPCI, National Treasury, SIU and FIC reduced time to obtain forensic reports and case flow analysis.
- DPP and DPCI priority corruption list (flowing from 2019 workshop) contains 93 cases of which **48** have been enrolled and in **8** declined to prosecute.

DIVISION	No of Cases	Cases Enrolled	Cases Nolle Prosequi	% Decisions made
ECD	7	6		85.71%
ECD MTHATHA	7	3	1	57.14%
FSD	6	4		66.67%
GDP	16	8	1	56.25%
GLD	11	3	3	54.55%
KZND	7	5		71.43%
LD	6	3		50.00%
MD	9	5		55.56%
NCD	6	4	1	83.33%
NWD	12	2	2	33.33%
WCD	6	5		83.33%
<b>Total</b>	<b>93</b>	<b>48</b>	<b>8</b>	<b>60.22%</b>

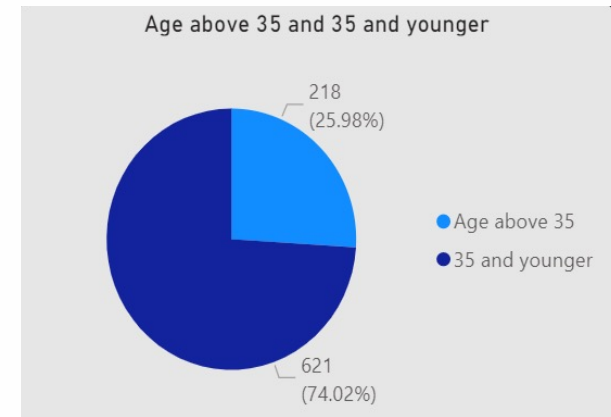
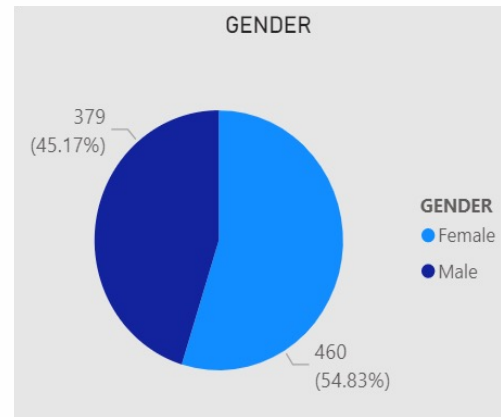
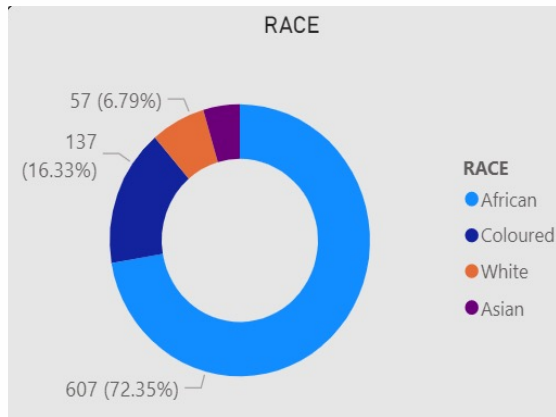


- Harsher sentences were imposed for prosecutors, SAPS officials and other Government employees convicted - deterrent effect.
- NPA has made important progress on internal and criminal processes against prosecutors accused of corruption. Several high profile matters are currently before court.
- Even though corruption is a priority crime in terms of the Directives issued by the Minister during COVID-19, trials are slow to advance and be completed.
- Once cases are enrolled, the accused & their legal representatives continuously ask for postponements.
- It is especially in serious corruption that interlocutory applications have increased.
- Prosecutors are closely monitoring corruption cases & each Division selected 10 cases to prioritise, monitor & analyse progress or the lack thereof. This intervention ensured that government corruption improved from 31 convictions last year to 53 at the end of Q2 this year and private sector corruption increased from 68 to 84.

# RECRUITING FOR CORRUPTION SUCCESS



- Focus on appointing young persons, since April 2020, 839 district court prosecutors appointed of which 621 (74%) were under 35, 54,8% were female and 72.3% were African.
- Balancing new, young blood and experience are being addressed in the 52 contract appointments made in SCCU since April 2020 (28 currently still on contract and most on 3 year contract) who assist in transferring of skills.





# **TRC CASES**

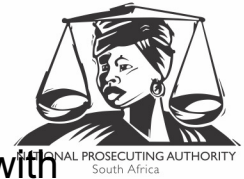
## **Adv de Kock**

- Nodal points within Organised Crime stream in Provinces drive local processes-
  - Additional resources are appointed on three year contracts;
  - Making additional appointments; and
  - DPCI also appointed additional investigating officers.
- Project management approach needs to be adopted.
- Dedicated appointments made at national office to oversee and monitor progress, best practices and constraints that are cross-cutting.
- Five enrolments made - though accused in one matter passed away on 6 September 2021.
- Reconstruction of records remain a major constraint
- DPP Offices are engaging with family directly to keep them informed of progress.

# **FATF**

## **Adv de Kock**

# MONEY LAUNDERING



- A joint training manual was developed on serious commercial crime in conjunction with SAPS where money laundering training is included
- Training to all Divisions was concluded during October 2021 and included both prosecutors & investigating officers.
- FATF recommendations highlighted money laundering with foreign predicate offending. Two such convictions have already been secured this year.
- A money laundering desk in NPA was created to give effect to FATF recommendations. NPA Action Plan was formulated and shared with the FIC to address FATF recommendations.
- 27 convictions have been achieved in other money laundering cases, the same as last year at the end of Q2.
- Arguing for steeper sentences has resulted in some remarkable sentences such as in August 2021 in GLD where a period of 48 years imprisonment was imposed.

# FATF MUTUAL EVALUATION REPORT



## Final FATF MER for the period 2014/15 – 2018/19

- Technical compliance
- Rating the effectiveness of implementation
- Recommendations

### Technical compliance (Does law apply to standards internationally)

- Politically exposed persons (NON-COMPLIANT)
- Terrorist financing offence (PARTIALLY COMPLIANT)

### Ratings (How effective is policies/law applied)

- IO2 rated as Moderately Effective
- IO7 rated as Moderately Effective
- IO8 rated as Moderately Effective
- IO9 rated as Low level of Effectiveness

### Recommendations

- Legislative amendments suggested & in process: POCDATARA and POCA.
- Develop policies to address higher ML/TF risks for: (i) Beneficial Ownership (BO); (ii) use of cash and its cross-border movement (physically and through illegal MVTs); (iii) third-party ML; (iv) foreign predicate crimes; (v) and TF.

# FATF RECOMMENDATIONS



## Outcome 2: International cooperation

- Framework is being developed by all stakeholders on dealing with international coordination (DOJCD).
- Integrated electronic system between Departments to track, monitor and enhance flow of information on international requests, MLA's and extraditions.
- Preparations to enable the NPA for new obligations created by the Cybercrimes Act relating to international cooperation.

## Outcome 7: ML Investigations and Prosecutions

- Money laundering desk created within NPA – monitor cases, keeping records of cases
- Filled existing vacancies and create additional posts in specialist units e.g SCCU, AFU, STU, OC
- Recently completed CARA Training (joint training program between NPA and DPCI) as part of interventions in accordance with joint manual first leg completed. Topics covered amongst others were: Procurement fraud offences; investigations regarding property related to corrupt activities, foreign bribery, suspicious transactions, and money laundering. The second leg, which will kick off at the end of November 2021 will include cybercrimes and cryptocurrency
- Revival of ACTT Case Management Committee and OECD Case Committee – monthly and bi-monthly
- Enhanced coordinated focus / monitoring – ACTT EXCO, ACTT Top Ten, Fusion Centre, Six Month Plan, DPP/DPCI Priority Cases

# FATF RECOMMENDATIONS



## Outcome 7: ML Investigations and Prosecutions (continued)

- MoU between NPA, SIU, DPCI & SAPS – awaiting signature of SAPS.
- ID & PCLU on State Capture

## Outcome 8: (Confiscation)

- Collaborating for recovery of assets from “State capture” & proceeds which have been moved to other countries should continue to be prioritised.
- Multidisciplinary approach followed to recover crime proceeds from high-risk areas such as serious corruption, narcotics and tax evasion - FIC, SAPS:DPCI, SARS, NPA, NPA:AFU.

## CROSS CUTTING RESPONSES

- Member of Inter-Departmental Working Group (Chaired by DG: National Treasury).
  - NT response to address findings and recommendations.
- Member of National Risk Assessment Process.
  - Refining national risks to ensure that ML/TF/WMD responses are commensurate to risks.
  - Address FATF findings related to the NRA of SA.
- Member of Money Laundering Task Team (Tax related ML).
  - SARS, DPCI & AFU

## Outcome 9: (TF Investigation and Prosecution)

- The FIC has compiled a list of typologies that identify terror financing in a way that is different from previous years (in the past there was a concentration on funding from corruption and fraud).
- There is a multi-stakeholder engagement chaired by the FIC that is looking at the National Risk Assessment, identifying the risks & considering mitigation plans. Each department is responsible in this regard.
- NICOC has also embarked on an exercise to review the National Counter terrorism Strategy and to firmly entrench terror financing more prominently in the strategy.
- There is a new and different understanding that the relationship between Organised Crime and Terror Funding and groupings cannot be ignored & must be looked at differently.



## Outcome 9: (TF Investigation and Prosecution) (continued)

- The pursuit of TF in South Africa is done in a coordinated way through the use of the Counter Terrorism Functional Committee (CTFC).
- MD: **STATE v ED ABRAMS AND ANOTHER**: One matter involving terrorism charges were finalised by the PCLU in the Mpumalanga Division. The two accused were both charged for contraventions of the Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004. Each of the accused was sentenced to fifteen years imprisonment on count one and five years on each of counts two to six; the latter to be served concurrent with the sentence on count one.

# **ASSET FORFEITURE**

## **Adv Rabaji-Rasethaba**

- First period after appointment - focus on assessing and re-building
- Developed a High Performance Plan
- Capacitating the AFU
  - Filling of vacant posts and creation of additional posts
  - Contract Appointments
  - Establishment of 5 Satellite Offices
  - Restructuring of Head Office Component to better serve regions
  - Bolster Asset and Financial Management
  - Development of a Research and Training capacity within the AFU
- Strengthening Partnerships
  - Skills Development in conjunction with ACTT Partners
  - Co-Location with DPCI (PCSI)
  - Tri-partite agreement between NPA(AFU, SCCU), FIC and DPCI

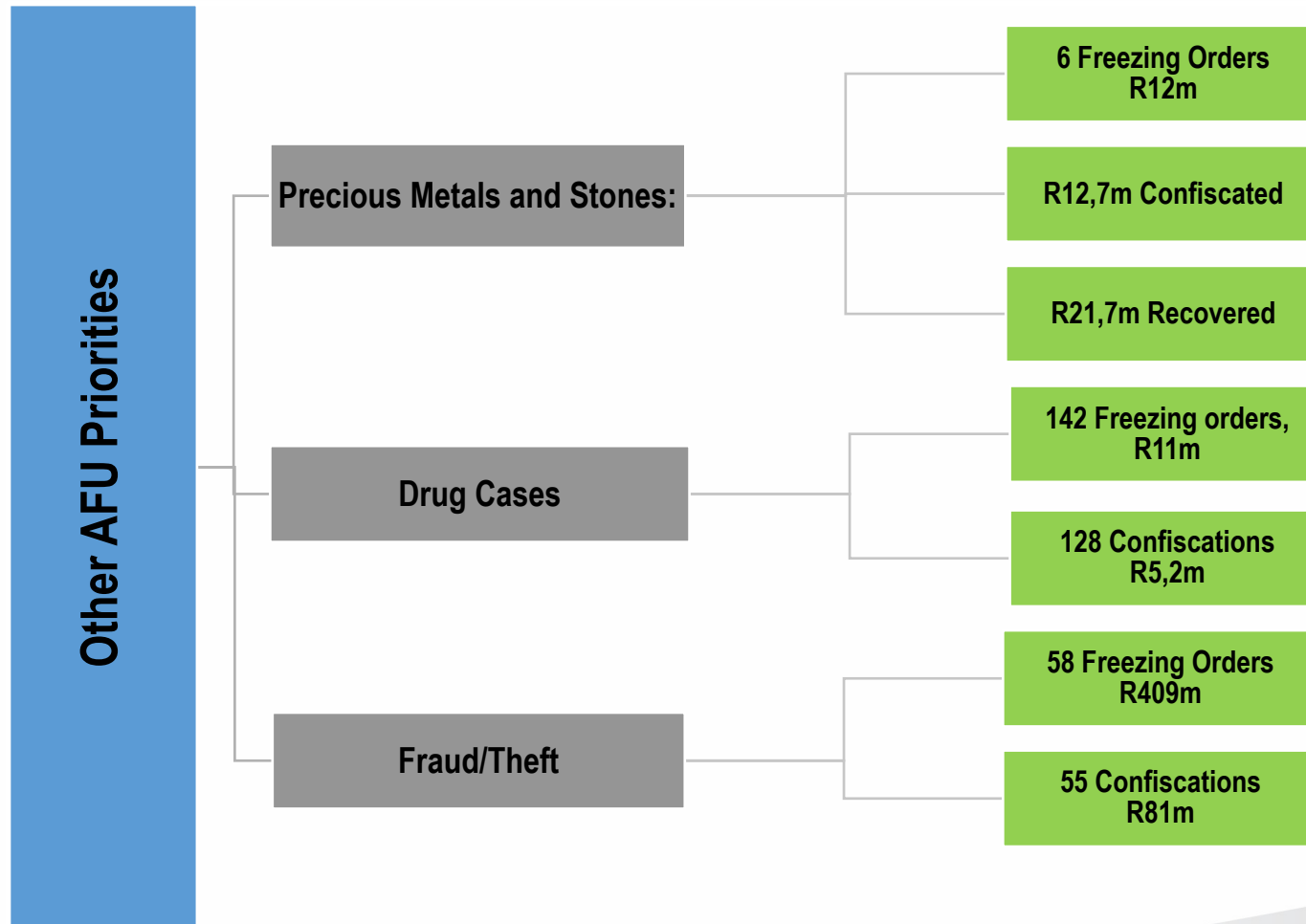
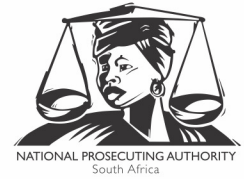
# ASSET FORFEITURE SIGNIFICANT CASES



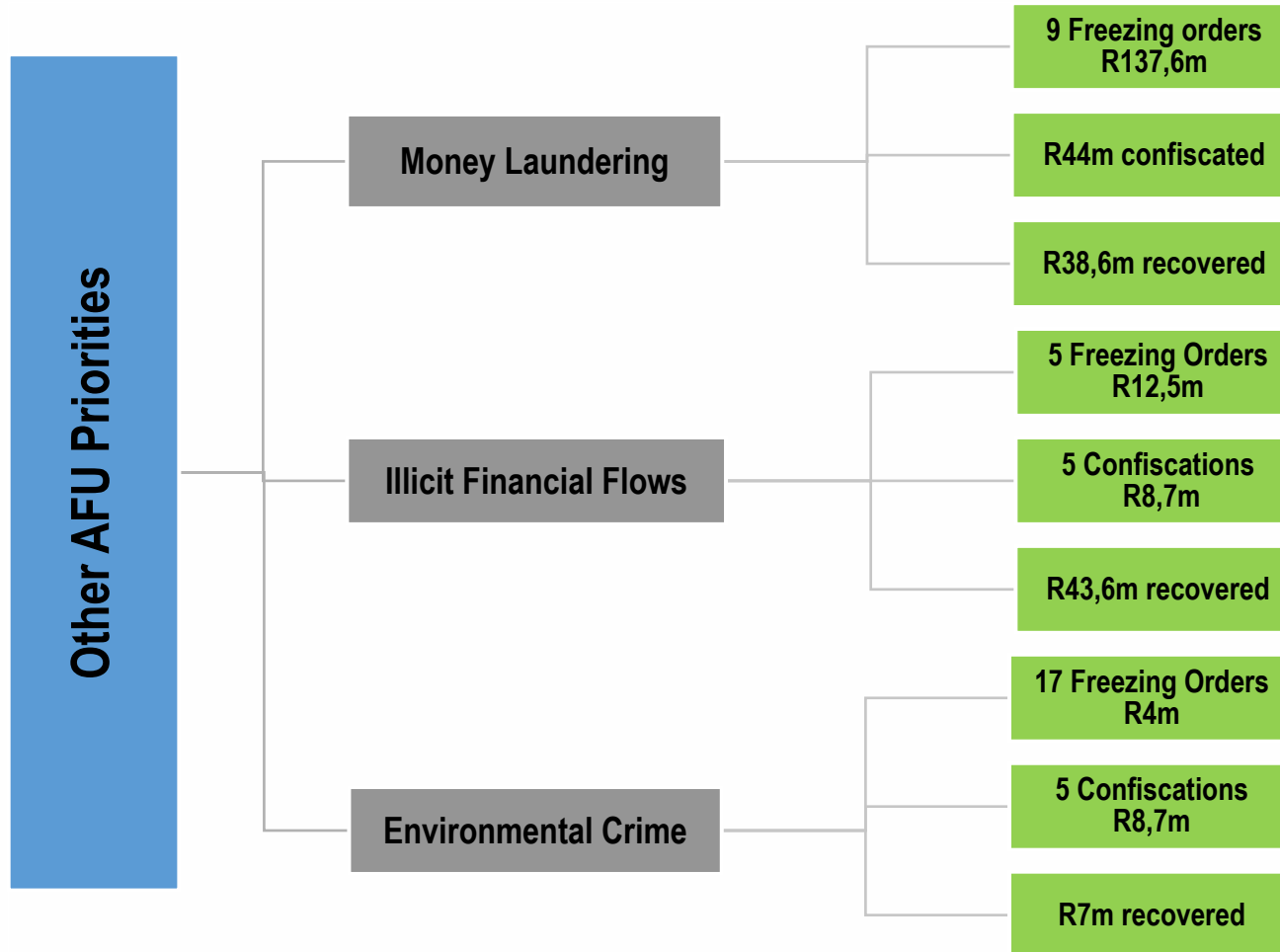
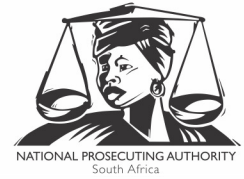
## Significant cases:

- Coinit Ponzi Scheme (KZN Office)
  - R106m preserved and R81m Forfeited
- Asbestos Case (FS Office)
  - R300m preserved
- Impossible Solutions (UIF Fraud – Covid Funds)
  - R112m preserved
- Forever Diamonds Ponzi Scheme (Pretoria Office)
  - R77m preserved
- Nielsen matter (Money Laundering - Foreign Predicate Offending)
  - R6m forfeited and repatriated to Belgium
  - Wegrostek matter (Money Laundering) R23,3m forfeited and recovered
  - NDPP vs Li Yu (Illicit Financial Flows)
    - R32m recovered and deposited into CARA
  - NDPP vs Pietersen (Unwrought Gold)
    - R16,6m recovered and paid into CARA

# OTHER AFU PRIORITIES



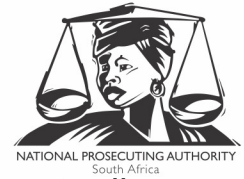
# OTHER AFU PRIORITIES



# **INVESTIGATING DIRECTORATE**

## **Adv. Cronje**

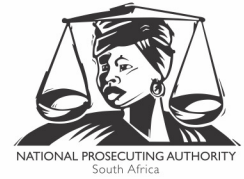
# INVESTIGATIVE DIRECTORATE - CASES IN COURT



- In relation to the Security Sector the following matters exceeding R323 million are on the court roll:
  - State v Mokwena and 12 others (Blue lights R191m)
  - State v Lorette and 43 others (Police Vehicle Branding R191m, including 9 senior police officials)
  - State v Thoshan Panday and 3 others (World Cup R47m) and
  - State v Richard Mdluli and 2 others (Crime intelligence Secret Fund).
- Preparatory investigations into alleged serious corruption in the SSA is ongoing.
- In relation to State-owned Enterprises the following matters are on the court roll:
  - **Eskom**
    - State v France Hlakudi and three others (R74m at Kusile Power Station)
    - State v France Hlakudi (R30m tax fraud) and
    - State v Maphoko Kgomoewana (R5m tax fraud case).
  - **Transnet**
    - State v Kuben Moodley (R232m) It forms part of the bigger corruption investigation within Transnet.
  - **Bosasa**
    - State v Linda Mti and others (R1.8 Billion Fraud)
    - State v Bonafacio and Vorster (bribery) and
    - State v Vincent Smith and Angelo Agrizzi.



# INVESTIGATIVE DIRECTORATE – PREPARATION FOR THE SCC REPORT



- The Amendment of Regulation 11 of the SCC Regulations has paved the way for information sharing between the SCC & the ID that protects the integrity of the evidence for admission in a criminal trial.
- In the areas where the ID already has authorised investigations, e.g. Transnet, Eskom & SAPS – NPA & SSA plans are in pace to progress those matters to court as soon as the ID has insight into the report.
- The ID has secured additional budget allocation from DoJ&CD & Treasury in the AENE process to fund:
  - On-boarding of personnel with the appropriate skill to take matters to court and
  - To pay for licences & other software upgrades as part of the process of migrating the digital forensic laboratory to the ID.
- Recruitment of SCC personnel with the requisite skills to advance the work of the ID arising from the Commission progressing well.
- Recruitment internally in the NPA to pair external service providers with internal prosecutors to ensure matters are taken to court, is underway.
- An advance aspirant programme will be rolled out next year to bring in younger talent and capacity

## Institutional Progress

- The procuring of Linton House by means of a sub-lease to accommodate ID
- The creation of a permanent structure for the ID is currently in process and will reach conclusion by mid-March 2022.
- The procurement of SCC Digital Forensic resources is at an advanced stage with the onboarding of service providers i.e. Digital Forensic services, Investigators & Evidence Leaders.
- Discussions on the migration of the SCC Digital Forensic Lab is also at an advance stage.
- IT related connectivity to ensure operational flow and uninterrupted performance assisted in the move to Linton House.

## ID-related Challenges

- The Covid-19 pandemic generally served to delay the work of the ID as a result of numerous infections suffered by members of investigation teams, including suspects and persons of interest, as well as delayed court processes, amongst others.
- The temporary nature of ID personnel, resulting in resignations in favour of permanent posts, has a severe disruptive effect on investigations and court preparation
- The ID experiences a shortage of skilled and experienced prosecutors within the NPA who are able to effectively prosecute complex corruption cases

# **DIGITISATION**

## **Adv du Plessis**



## ECMS Implementation:

- **Digital docket development** - it is aimed at improving collaboration between SAPS & NPA for sharing docket information electronically – pilot sites were identified & is targeted to be finalised by December 2021.
- **ECMS High Court Module** - development & delivery of high court prosecutions model linked to lower courts (referral of dockets from lower courts to high courts for enrolment) – currently 72% complete & will be finalised by December 2021.
- **ECMS Asset Forfeiture Unit** - case management of AFU processes, project commenced and is expected to be finalised by April 2022.

# **Prioritising for impact in 2022**

## **Adv de Kock**

# BRINGING THE CORRUPT TO JUSTICE



- NPA's leadership met recently to review the previous six months priorities.
- Rebuilding NPA's credibility is the most important objective in the current strategic planning process and also the most important of the IPAC pillars.
- The next phase of the six-months priority implementation project will focus on one priority area - **Enhancing the credibility of the NPA through effective prosecution of corruption.**
- This will be achieved through the following four focus areas
  - Collaborations (internal and external)
  - Asset recovery
  - Skills enhancement
  - Communications (internal and external) around corruption cases.

# **BUDGETING**

## **Ms Morakile**

# BUDGET VS EXPENDITURE AS AT 31 OCTOBER 2021



PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY R'000	2021/22			
	AENE BUDGET ALLOCATION	ACTUAL EXPENDITURE AS AT 31 OCTOBER 2021	VARIANCE	EXPENDITURE AS % OF FINAL APPROPRIATION
Compensation of Employees	3 926 048	2 215 617	1 710 431	56,43%
Goods and Services	538 782	259 488	279 294	48,16%
Transfers & Subsidies	21 083	19 647	1 436	93,19%
Machinery and Equipment	49 712	26 098	23 614	52,50%
Payment for Financial Assets	0	0	0	0,00%
<b>Total</b>	<b>4 535 625</b>	<b>2 520 850</b>	<b>2 014 775</b>	<b>55,58%</b>

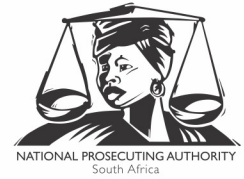


# OVERALL BUDGET GROWTH PER ECONOMIC CLASSIFICATION: MTEF



PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY R'000	2021/22	2022/23	2023/24	2024/25	Average % increase over MTEF
	AENE	Medium Term Estimates			
Compensation of Employees	3 926 048	3 865 145	3 895 885	4 070 847	1,25%
Goods and Services	538 782	547 717	568 757	594 298	3,33%
Transfers & Subsidies	9 888	10 359	10 815	11 300	4,55%
Machinery and Equipment	49 712	52 759	56 012	58 527	5,60%
Payment for Financial Assets	11 195	11 611	12 123	12 667	4,20%
Total	4 535 625	4 487 591	4 543 592	4 747 639	1,56%

# 2021 MTEF BUDGET BASELINE REDUCTIONS



PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY R'000	2020/21	2021/22			2022/23			2023/24			2024/25
	AENE	2020 MTEF	2021 AENE	Reduc- tion	2020 MTEF	2021 MTEF	Reduc- tion	2021 MTEF	2022 MTEF	Reduc- tion	2022 MTEF
Compensation of Employees	3 659 711	4 259 375	3 926 048	-333 327	4 423 046	3 865 145	-557 901	4 172 350	3 895 885	-276 465	4 070 847
Goods and Services	437 308	587 816	538 782	-49 034	611 404	547 717	-63 687	635 860	568 757	-67 103	594 298
Transfers & Subsidies	9 362	9 888	9 888	0	10 359	10 359	0	10 815	10 815	0	11 300
Machinery and Equipment	149 897	37 712	49 712	12 000	39 759	52 759	13 000	41 512	56 012	14 500	58 527
Payment for Financial Assets	10 601	11 195	11 195	0	11 611	11 611	0	12 123	12 123	0	12 667
<b>Total</b>	<b>4 266 879</b>	<b>4 905 986</b>	<b>4 535 625</b>	<b>-370 361</b>	<b>5 096 179</b>	<b>4 487 591</b>	<b>-608 588</b>	<b>4 872 660</b>	<b>4 543 592</b>	<b>-329 068</b>	<b>4 747 639</b>

# MTEF BUDGET ALLOCATIONS



- COVID-19 caused current economic crises compounded by corrupt activities of government officials – SA needs to bring criminals to book.
- Benefit derived from corrupt activities must be returned to state coffers & NPA is only government institution mandated to effect this.
- NPA is committed to JCPS Economic Recovery Plan, however, under-resourcing will render the strategy ineffective and the NPA unable to address *inter alia* corruption, GBV & organised crime.
- Current allocations over MTEF are below inflation.
- NT has implemented budget cuts in the MTEF period.
- While NPA can absorb a budget baseline reduction in respect of current financial year, proposed cuts in respect of outer MTEF years will cripple NPA's ability to deliver on its mandate.
- NT was formally urged to not consider any additional budget baseline reductions & to reconsider current position relating to outer years.
- The Portfolio Committee is urged to assist the NPA in ensuring that the proposed budget cuts in the outer years are not implemented.

# COMPENSATION OF EMPLOYEES BUDGET VS PROJECTED EXPENDITURE FOR MTEF



<b>PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY R'000</b>	<b>2022 MTEF Budget (Adjusted) R'000</b>	<b>Projected Total Expenditure R'000</b>	<b>Variance R'000</b>
<b>2021/22</b>	3 926 046	3 880 295	<b>45 751</b>
<b>2022/23</b>	3 865 145	3 920 439	<b>-55 294</b>
<b>2023/24</b>	3 895 885	3 981 110	<b>-85 225</b>
<b>2024/25</b>	4 070 847	4 042 691	<b>28 156</b>

- This projected compensation expenditure is based on current warm bodies within NPA and excludes
  - Resignations
  - Cost of Living Adjustments (1,5% for non SMS & SMS) and
  - New appointments.

# 2022 MTEF FUNDING NEEDS – INVESTIGATING DIRECTORATE



Additional funding need over MTEF	2022/23 R'000	2023/24 R'000	2024/25 R'000	Total
Shortfall on CoE	83 265	74 097	77 049	234 411
Shortfall on G&S	40 000	43 000	46 000	129 000
Total funding request	<b>123 265</b>	<b>117 097</b>	<b>123 049</b>	<b>363 411</b>

- Additional R363.4 million funding needed due to growth of ID as a result of State Capture Commission ending. (R83 million for current financial year).
- Growing need to for witness protection causing pressure on the insufficient budget.
- Lack of CARA allocation (which helped OWP)

# **WAY FORWARD NDPP**



- We believe our collective rebuilding efforts are paying off and the NPA is becoming fit-for-purpose.
- As part of the broader JCPS we still have a long way to go. People in SA don't feel safe; perceptions of the CJS remain low, the FATF report raises serious concerns; and the changing nature of complex crime is outpacing our ability to respond. Corruption remains rampant. We need drastic improvements, and quickly.
- In the importance of IPAC, the NPA place a specialised focus on high-level corruption – an absolute priority – in the next 6 months, including:
  - Stakeholder collaboration (internal & external)
  - Asset recovery
  - Skills enhancement and
  - Communications (internal & external)
- The NPA will endeavour to further improve its performance, including enhancing the performance of the ID.
- Fully aware of possible challenges, such as a likelihood of a COVID 4<sup>th</sup> wave & loadshedding which will impact on performance. Despite all of these challenges, plans/interventions to improve performance have been shared throughout the presentation.
- Critical to the success of the NPA remains independence and adequate resourcing. It is critical that budget cuts in the outer years are not implemented.

**REBUILDING AN INDEPENDENT, PROFESSIONAL, ACCOUNTABLE AND CREDIBLE NPA.**

# THANK YOU



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