

NATIONAL PUBLIC PROSECUTION AUTHORITY



NPPA QUARTERLY PROGRESSIVE REPORT
July 2015 – March 2016

May 2016

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1. INTRODUCTION

The NPPA vision is: « *Rwandan People living in safety and in fully-fledged liberty in a Country where Justice is enthroned* ».

The mission of the National Public Prosecution Authority is to “*Participate to the Security of People and their property by pursuing the authors of breaches and criminals to bring them to justice with equity of treatment according to the ambition of the Constitution and International Law ratified by Rwanda*”.

Each quarter, the NPPA produces a report of its achievements as provided for by article 37 of Organic Law N°/ 04/2011/OL of 03/10/2011 determining the organization, functioning and competence of the National Public Prosecution Authority and the Military Prosecution Department as amended to date.

It is in this perspective that this report of the 3rd quarter 2015-2016 shows key goals contained in the performance contract and the achievements of the NPPA based on the competence provided for in the above mentioned law in its article 26. The said competence is the following:

- i. Investigate offences in relation to which it is conducting proceedings and lead investigations carried out by Judicial Police Officers;
- ii. Prosecute criminal offences before all ordinary Courts and military Courts;
- iii. Contribute to the formulation of criminal Prosecution policies;
- iv. Cooperate with other countries in the fight against criminality;
- v. Perform any other duties provided for by the law.

With regard to the first competence, this report will show the number of case files that the Criminal Investigation Department transmitted to the NPPA for analysis before different decisions are taken.

In cooperation with other countries in the fight against impunity, the report shows the number of indictments that were drafted and transmitted to different countries where suspected fugitives of crime of genocide against the Tutsi reside.

2. NPPA STAFF

Nº	Function	Number
1	Prosecutor General	1
2	Deputy Prosecutor General	1
3	Secretary General	1
4	Inspector General	1
5	Inspectors	4
6	Head of GFTU	1
7	National Prosecutors	25
8	Chief Prosecutors	12
9	Head of GBVU	1
10	Head of EFCU	1
11	Legal Advisor to the Prosecutor General	1
12	Prosecutors at Intermediate Level	81
13	Prosecutors at Primary Level	60
14	Directors of Departments and Services	10
15	Internal Resource Managers	12
16	Professionals	39
17	Chief Assistants to prosecutors	12
18	Assistants to Prosecutors	69
19	Administrative Assistants	4
20	Secretaries	4
21	Drivers	14
	Total	354

4. NPPA ACHIEVEMENTS FROM JULY 2015 TO MARCH 2016

4.1. PRIORITY TARGETS CONTAINED IN NPPA'S PERFORMANCE CONTRACT IN THE YEAR 2015-2016

During the year 2015-2016, based on its competence provided by the Law, based on the activities contained in its third Strategic Plan and on the key performance indicators, in both quality and quantity, the NPPA set for itself the following 6 targets:

- i. To increase the percentage of cases handled to at least 97%;
- ii. To increase the conviction rate from 92.9% to 93%;
- iii. To handle at least 200 genocide fugitives' cases;
- iv. To increase the percentage of economic and financial crimes cases handled from 94.7% to 98%;
- v. To increase the percentage of Gender Based Violence cases handled to at least 98% of case files received;
- vi. To improve the services provided to victims and witnesses, particularly by increasing the rate at which their complaints are handled; and this from 93.3% to 94%.

4.2. NPPA ACHIEVEMENTS (July 2015 to March 2016)

4.2.1. CRIMINAL CASES HANDLED

The table below indicates that the NPPA handled cases at 91% while the expected target was 97%. This difference (6%) will be tracked for the next quarters in order to reach awaited results.

TABLE SHOWING CASES HANDLED BY NPPA FROM JULY 2015 TO MARCH 2016

Prosecution	Received cases	Suspects			Handled cases				Pending	%
		Male	Female	Total	Filed with courts	Closed	Transferred ¹	Total		
Primary Level	12,366	10,934	1,567	12,501	8,626	2,558	310	11,494	872	93%
Intermediate Level	6,063	5,676	451	6,127	3,376	1,760	106	5,242	821	86%
National Level	55	51	5	56	26	4	7	37	18	67%
Total	18,484	16,661	2,023	18,684	12,028	4,322	423	16,773	1711	91%

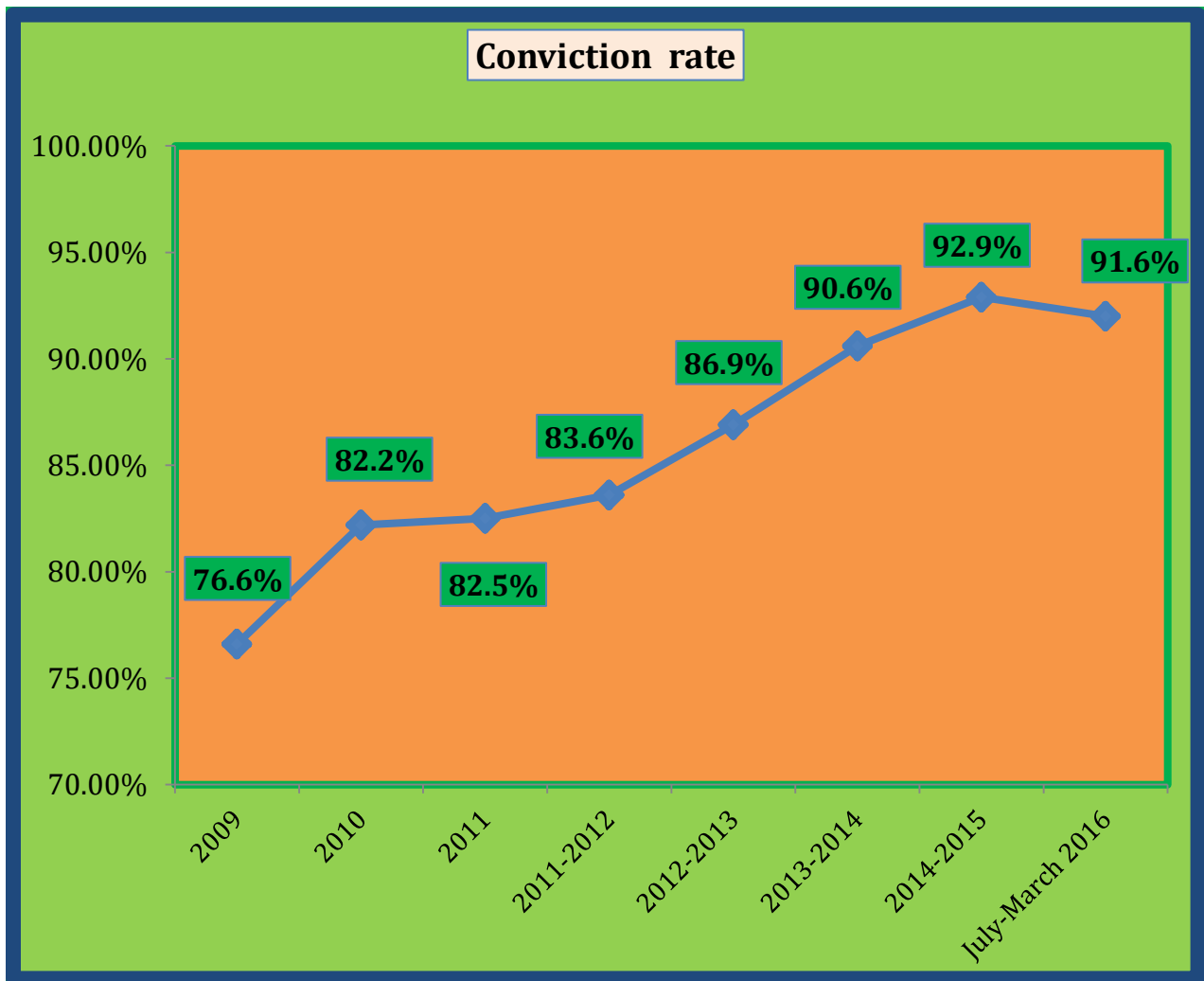
4.2.2. CONVICTION RATE (July 2015 - March 2016)

Prosecution	Pronounced cases	Accused persons			Convicted persons			Acquitted persons			Conviction rate
		Male	Female	Total	Male	Female	Total	Male	Female	Total	
Primary Level	5,957	5,451	763	6,214	5,126	717	5,843	325	46	371	94.03
Intermediate level	3,659	3,502	322	3,824	3,118	269	3,387	384	53	437	88.57
High court	1,610	1,463	160	1,623	1,312	140	1,452	151	20	171	89.46
Total	11,226	10,416	1,245	11,661	9,556	1,126	10,682	860	119	979	91.60

¹ Those 423 cases were transferred to Abunzi or Military Prosecution Department

The progress in conviction rate from 2009 to March 2016

Year	% of suspects convicted	% suspects acquitted
2009	76.60%	23.4
2010	82.20%	17.8
2011	82.50%	17.5
2011-2012	83.60%	16.4
2012-2013	86.90%	13.1
2013-2014	90.60%	9.4
2014-2015	92.9%	7.1
July 2015 - March 2016	91.6%	8.4%



4.2.3. ACHIEVEMENTS IN PROSECUTING FUGITIVES SUSPECTED TO HAVE COMMITTED GENOCIDE AGAINST TUTSI IN 1994.

a. Genocide fugitives’ cases investigated and handled

The target of 2015-2016 in tracking genocide fugitives is to process at least 200 genocide fugitives’ cases. From July 2015 to March 2016:

- ✓ **362** files were completely investigated;
- ✓ **211** genocide fugitives’ cases were handled and;
- ✓ **139** indictments were sent in different countries sheltering fugitives;
- ✓ On 9th December, one of nine last suspects most wanted for alleged involvement in the 1994 Genocide against tutsi, Ladislas Ntaganzwa was arrested by DRC and extracted to Rwanda on 20th March 2016.

Note: The annual target of handling at least 200 genocide Fugitives’ cases was already achieved during **9** months.

b. Cases before the International Crimes Chamber of Rwandan High Court:

N°	Case	Status
1.	Dr. Léon MUGESERA	<ul style="list-style-type: none"> ▪ On 15 April 2016, the High court sentenced him the life imprisonment.
2.	Charles BANDORA	<ul style="list-style-type: none"> ▪ On 15 May 2015, the High Court sentenced him to 30 years imprisonment. ▪ The accused has appealed to the Supreme Court
3.	Pasteur Jean UWINKINDI	<ul style="list-style-type: none"> ▪ On 30 December 2015, the High Court sentenced him to life imprisonment. ▪ The accused appealed to Supreme Court
4.	Bernard MUNYAGISHARI	<ul style="list-style-type: none"> ▪ This case is ongoing before the High Court
5.	Emmanuel MBARUSHIMANA	<ul style="list-style-type: none"> ▪ This case is ongoing before the High Court
6.	Ladislas NTAGANZWA	<ul style="list-style-type: none"> ▪ The suspect is still under detention for 30 days and investigation is ongoing.

4.2.4. NPPA ACHIEVEMENTS IN PROSECUTING ECONOMIC AND FINANCIAL CRIMES

a. Economic and financial crimes handled

The table below indicates how the NPPA progresses towards the target of handling economic and financial crimes cases to at least 98%.

Economic and financial crimes handled July 2015- March 2016:

Crime	Received cases	Suspects			Handled cases				Pending	%
		Male	Female	Total	Filed with courts	Closed	Transferred (Abunzi or MP)	Total handled cases		
Corruption and related crimes	200	189	11	200	121	48	4	184	27	92%
Embezzlement	258	217	41	257	129	51	13	193	65	75%

b. Summary of NPPA actions regarding the 2013-2014 OAG² Report

i. Summary of the report

Public entities audited	Public entities subjected to the preliminary investigation	Public entities having clean reports
127	83	44

ii. State of the report's analysis

Public entities whose reports are to be analysed	Public entities whose reports were fully analysed	Pending analysis	%
83	83	00	100%

² OAG: Office of the Auditor General

iii. State of preliminary investigation

Public entities subjected to preliminary investigation	Public entities whose preliminary investigation were completed	Cases whose preliminary investigation are ongoing	%
83	76	07	91,5 %

iv. Enforcement of fine without trial

Cases	Suspects who accepted to pay fine	Amount paid
09	28	15,000,000

v. Public funds returned without trial

Cases	Number of suspects who returned the public funds		Amount returned
	Civil Servants	Other people	
18	57	01	Frw 44,417,289; Euro 3,726; Dollars 4,300

Note: Returned funds are embezzled funds voluntarily returned by different persons.

4.2.5. ACHIEVEMENTS IN PROSECUTING GENDER BASED VIOLENCE CASES

a. Table showing GBV cases prosecuted from July 2015 to March 2016:

Crime	Received cases	Suspects			Handled cases				Pending	%
		Male	Female	Total	Filed with courts	Closed	Transferred (Abunzi or MP)	Total		
Defilement	1,406	1,386	24	1,410	802	437	0	1,239	167	88%
Rape	190	184	6	190	91	86	0	177	13	93%
Harassment of spouse	448	439	13	452	308	110	2	420	28	94%

b. Cases in which DNA samples were sent to Germany from July 2015 to March 2016:

Quarter One		Quarter two		Quarter three	
Month	Cases analyzed	Month	Cases analyzed	Month	Cases analyzed
July 2015	4	October 2015	4	January 2016	4
August 2015	2	November 2015	6	February 2016	5
September 2015	11	December 2015	7	March 2016	4
Total	17	Total	17	Total	13

As indicated in the table above, from July 2015 to March 2016, 47 DNA samples have been sent to Germany to be analyzed in order to find additional evidence to justice.

1.2.6. PROSECUTION OF OTHER 3 SERIOUS CRIMES:

Crime	Received cases	Suspects			Handled cases				Pending	%
		Male	Female	Total	Filed with courts	Closed	Transferred (Abunzi or MP)	Total		
Genocide Ideology	59	50	11	61	42	10	2	54	5	92%
Genocide denial	17	13	4	17	10	5	0	15	2	88%
Human Trafficking	27	15	13	28	8	13	0	21	6	79%

4.2.7. ACHIEVEMENTS IN PROTECTING AND ASSISTING VICTIMS AND WITNESSES

From **July 2015 to March 2016**, achievement in protecting and assisting victims and witnesses is summarized as follows.

i. Complaints handling status

The target in this financial year in protecting victims and witnesses of crimes is to solve at least 94% of complaints received. Cumulatively from July 2015 to March 2016, the Witness and Victims Support Unit (WVSU) received **2,020** complaints of which **1,866** were successfully solved, **28** people were advised on how to resolve their problems while **126** complaints are still pending. This shows that **93.8%** of all complaints received were resolved.

Summary of complaints solved from July 2015 to March 2016:

Successfully solved problems			Advices on how to solve the problem		
Men	Women	Children	Men	Women	Children
972	587	307	13	12	3

ii. Witnesses status:

Witnesses				Defense Witness	Rogatory Commission assisted	Prosecution Witnesses
Men	Women	Children	Total	12	441	276
527	156	46	729			

iii. Assistance provided to victims and witnesses

Type of assistance	Requests received	Assisted	% of cases handled
Psychological Care	49	49	100%
Medical assistance	10	10	100%
Accommodated people	219	219	100%

iv. Additional evidence sought

Death Certificates	Autopsy reports	Medical Reports
2	18	193

4.3. OTHER ACTIVITIES PERFORMED BY THE NPPA

4.3.1. INTERNATIONAL MEETINGS ATTENDED AND DELEGATES RECEIVED BY THE PROSECUTOR GENERAL

In the area of international cooperation in the investigation and prosecution of crimes, between July 2015 and March 2016, the Prosecutor General attended different international meetings and received delegates from different countries as follows:

- ❖ On the 31st August 2015, the Prosecutor General in his office received Frederique de Man / Netherlands Ambassador. They discussed on the cooperation between Netherlands and NPPA.
- ❖ On the 29th September 2015, he received and discussed with the delegation from the Republic of GAMBIA. The delegation was led by Hon. Mama Fatima Sighateh, Attorney General and Minister of Justice who was in Rwanda to learn from Rwanda's current anti-corruption measures.
- ❖ On the 2nd November 2015, the Prosecutor General attended opening ceremony of 84th INTERPOL General Assembly held in Kigali/Rwanda.
- ❖ From 4th to 7th November 2015, the Prosecutor General attended annual general meeting of East African Association of Prosecutors (EAAP) at KAMPALA.
- ❖ On 12th November 2015, the Prosecutor General met the Delegation from ICTR: Honorable Judge Vagn Joensen President of the ICTR, Honorable Hassan B. Jallow the Prosecutor of the ICTR, Mr. Bongani Majola Registrar of the ICTR, Mr. James Arguin, Chief Appeals & Legal Advisory Division and Other ICTR and MICT Officials.

- ❖ From 12th to 16th November 2015, the Prosecutor General met the Delegation from Republic of Zambia headed by the Acting Director of public prosecution. Ms. FULATA SHAWA SINYUYI.
- ❖ On the 14th January 2016, the Prosecutor General met the delegation from New York University's Center for Global Affairs led by Jennifer Trahan (an Associate Professor at New York University) with 15 graduate students.
- ❖ 02nd and 8th February 2016, the Prosecutor General met the team of French and German judges and state prosecutors .
- ❖ On the 7th March 2016, the Prosecutor General met Hassan Bubaccar Jallow, the Prosecutor at IMCT who was in the country to bid farewell to government officials he worked with during his 12 years tenure as prosecutor at the tribunal.
- ❖ On the 22nd March 2016, the Prosecutor General met with researchers and academicians who were in a study tour and they discussed about the tracking of genocide fugitives and challenges related to the prosecution of genocide ideology.

4.3.2. RECEIVING AND RESOLVING COMPLAINTS FROM THE PUBLIC

The Inspectorate received and solved complaints from seventy seven (77) persons who came physically to the office. During the same period it also received and responded to nine hundred and eighty eight (988) letters from across the country.

4.3.3. INSPECTING THE CASES FILES HANDLED BY PROSECUTORS

In August and September 2015, the Inspectorate Department inspected the quantity and quality of all case files handled by all Prosecutors since January to June 2015.

- **50** for National Prosecutors;
- **4510** for Chief Prosecutors and Prosecutors at Intermediate Level;
- **11,467** for Prosecutors at Primary Level.

From January to March 2016, the Inspectorate Department inspected the quantity and quality of all case files handled by all Prosecutors since July to December 2015 as following:

- **22** for National Prosecutors;
- **3,995** for Chief Prosecutors and Prosecutors at Intermediate Level;
- **8,619** for Prosecutors at Primary Level

4.3.4. CRIMINAL RECORD CERTIFICATES ISSUED

From **July 2015** to **March 2016**, the National Public Prosecution Authority issued **25,891** criminal record certificates which generated **34,902,109** Frw that were poured into the public treasury.

At the same period the criminal record unit recorded **10,412** of convicted people. Since December 2015 the criminal record certificates are issued online.

4.4. BUDGET EXPENDITURE BY ACTIVITY

Nº	Activity	Budget used
1	To prosecute criminal offenders and represent the public before courts	2,635,885,502
2	To track genocide fugitives, handling their cases and follow up cases tried abroad	377,023,630
3	To prosecute officials involved in mismanagement and misappropriation of public funds as highlighted by 2013-2014 OAG Report	94,017,468
4	To inspect the quantity and quality of cases processed by all prosecutors	134,657,039
5	To protect victims and witnesses of crimes	109,953,938
6	To cooperate with other countries in the fight against criminality	63,155,000
7	Other supporting activities carried out	514,625,398
Total budget spent since July 2015 - March 2016		3,929,317,975

4.5. FUNDS POURED INTO PUBLIC TREASURY

From July 2015 to March 2016, the NPPA poured into the public treasury **228,462,398** FRW from transactional fine, accident files sold, criminal certificates issued, embezzled funds returned and fine enforced without trial.

5. CONCLUSION

From July 2015 to March 2016, more efforts were put on handling cases received by the prosecutors in order to fight against backlogs in this regard in 18,484 case files received by the NPPA, 16,773 equivalents to 91% were handled.

In the reporting period, emphasis was also put on investigation and prosecution of fugitives suspected of having committed genocide against Tutsi in 1994, in this line, 211 genocide fugitives' cases were handled and 139 indictments were drafted and issued.

Currently the strategies are in place to expedite the prosecution of certain special crimes, such as economic and financial crimes, gender based violence crimes, human trafficking, drug abuse, genocide denial and genocide ideology.

In the last quarter of 2015-2016, the NPPA will continue to focus on expediting the work and to improve the services provided to the public so that it could achieve EDPRS II, Seven Years Government Programs and Vision 2020.

Richard MUHUMUZA
Prosecutor General