

NATIONAL PUBLIC PROSECUTION AUTHORITY



NPPA QUARTERLY PROGRESSIVE REPORT July – September 2016

December 2016

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1. INTRODUCTION

The National Public Prosecution Authority is one of the JRLOS institutions, contributing to the achievement of Accountable Governance and foundational issues as part of EDPRS II. The specific contribution of NPPA in achieving those priorities is “Delivering fair and timely prosecutorial service”.

i. VISION

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

ii. MISSION

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”.

iii. COMPETENCE

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 in its article 26, the NPPA shall be competent for:

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

iv. STRATEGIC OBJECTIVES OF THE INSTITUTION

The overall objective of NPPA is “To improve effectiveness and efficiency institutional capacity to be able to deliver fair and timely prosecutorial services in order to help the government of Rwanda to achieve Accountable Governance”.

In order to realize this objective, the following specific objectives will be pursued:

- a. To increase the public satisfaction with the quality and timeliness of NPPA services by 10% in 2018;
- b. To deliver fair and timely prosecution by 10% conviction rate increase in 2018 and illegal detention maintained at 0%;
- c. To accelerate the prosecution of international crimes including genocide crimes by tracking 100% genocide fugitive suspects in other countries;
- d. Speeding up the investigation and prosecution of emerging crimes and cross border crimes.

v. THE OPERATIONAL PLAN

In order to contribute to the overall objective of NPPA, the Action (Operational) Plan 2016-2017 makes a clear commitment to delivering a series of operational results or targets, which are the following:

- a. To increase the percentage of cases handled by the NPPA to at least 98%;
- b. To increase the conviction rate to at least 94%;
- c. Speed up the prosecution of fugitives suspected of committing genocide against the Tutsi by handling 250 genocide fugitives' cases
- d. Prosecution of all (100%) persons suspected to be involved in embezzlement and misappropriation of public funds as highlighted by the Auditor General Report (2014-2015) and other economic and financial crimes;
- e. To improve the prosecution of gender based violence cases;
- f. Improve the prosecution of other crimes with special consequences on citizens' life (National sovereignty);
- g. To improve the services provided to victims and witnesses particularly by increasing the rate at which their complaints are handled from 94% to 96%.

Based on the above mentioned strategic and operational orientation of NPPA, each quarter, the NPPA produces a report of its achievements.

With regard to the targets; this report will show the exact number of case files that the Criminal Investigation Department transmitted to the NPPA for analysis and the percentage of handling cases; the number of pronounced cases and the conviction rate; Investigations completed, number of genocide fugitives' cases handled and indictments

drafted; % of persons suspected to be involved in embezzlement and misappropriation of public funds as highlighted by the Auditor General Report (2014-2015) and other economic and financial crimes prosecuted and % of handling economic and financial crimes; number of special crimes handled and their conviction rate; and then this report indicates the rate at which victims and witnesses complaints are handled.

In cooperation with other countries in the fight against impunity, the report shows different delegates received by Prosecutor General and Rogatory commissions received and assisted.

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

3. NPPA BUDGET PERFORMANCE REPORT (July-September 2016)

Expenses	Approved Budget - Frw	Actual - Frw	Frw	%
		B	A-B	(B/A)* 100
Compensation of Employees	3,297,106,235	769,473,886	2,527,632,349	23.34%
Use of Goods and Services	1,890,687,000	461,076,701	1,429,610,299	24.39%
Grant and other transfers payment	510,000,000	100,000,000	410,000,000	19.61%
Social Assistance	22,447,950	163,000	22,284,950	0.73%
Other Expenses	29,000,000	4,161,054	24,838,946	14.35%
Capital Expenditure	91,112,948	620,000	90,492,948	0.68%
Total expenses	5,840,354,133	13,35,494,641	4,504,859,492	22.87%

4. NPPA ACHIEVEMENTS «July to September 2016»

Based on its competence provided by the Law, the specific objectives contained in its third Strategic Plan, series of operational targets as indicated in 2016-2017 NPPA's performance contract and operational plan and based on the performance indicators, in both quality and quantity, the NPPA achieved the following:

4.1. CASES HANDLED BY PROSECUTORIAL LEVEL

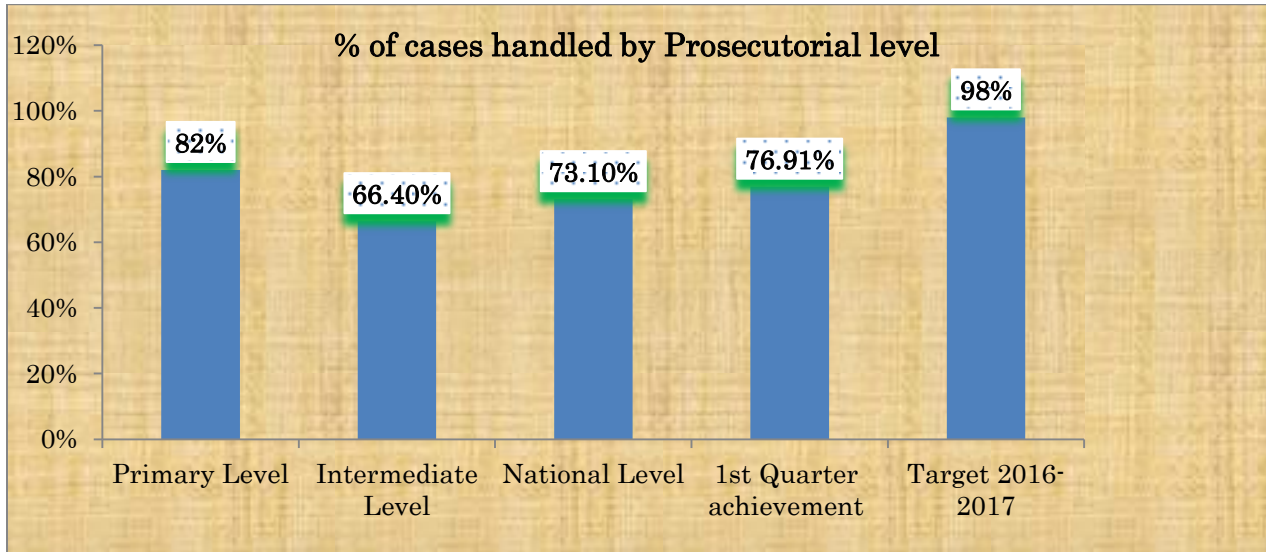
❖ *Target one:* To increase the percentage of cases handled by the NPPA to at least 98%;

The Table one indicates the number of case files that the Criminal investigation department transmitted to the NPPA for analysis and the percentage at which the cases have been handled at each prosecutorial level.

Table 1: CRIMINAL CASES HANDLED

Departments	Received cases	Handled cases				Pending	Percentage (%)
		Filed with courts	Closed	Transferred	Total handled cases		
Primary Level	4,877	3,135	823	40	3,998	879	82
Intermediate Level	2,335	972	540	38	1,550	785	66.4
National Level	26	16	2	1	19	7	73.1
TOTAL	7,238	4,123	1,365	79	5,567	1,671	76.91

Table 2: % of cases handled by Prosecutorial Level



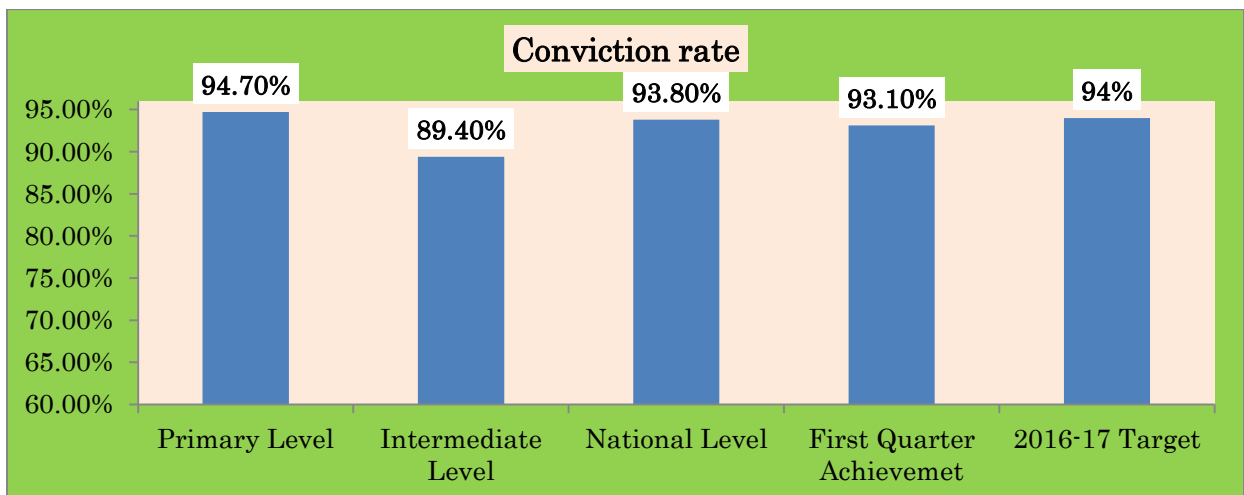
4.2. CONVICTION RATE BY PROSECUTORIAL LEVEL

❖ **Target two:** To increase the conviction rate to at least 93%;

The Table two indicates the number of case files pronounced and the conviction rate in general at each prosecutorial level:

Departments	Cases pronounced	Cases won	Cases lost	Conviction rate
Primary Level	2,056	1,947	109	94.7%
Intermediate Level	894	799	95	89.4%
National Level	480	450	30	93.8%
Total	3,430	3,196	234	93.1%

Table 3: Conviction rate by Prosecutorial Level



4.3. SEEKING FUGITIVES SUSPECTED OF COMMITTING GENOCIDE AGAINST TUTSI

❖ *Target Three: Speed up the prosecution of fugitives suspected of committing genocide against the Tutsi by handling 250 genocide fugitives' cases.*

a. Genocide fugitives' cases investigated and handled

From July-September 2016, ninety (92) files were completely investigated and fifty seven (57) genocide fugitives' cases were handled.

b. Cases currently before the International Crimes Chamber of Rwanda's High Court:

Nº	Case	Status
1.	Dr. Léon MUGESERA	<ul style="list-style-type: none"> ▪ On 15 April 2016, the High court sentenced him to the life imprisonment. ▪ The accused has appealed to the Supreme Court.
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.	Ladislav NTAGANZWA	<ul style="list-style-type: none"> ▪ The case was filed with court.
7.	Léopold MUNYAKAZI	<ul style="list-style-type: none"> ▪ The case is ongoing in the prosecution

4.4. NPPA ACHIEVEMENTS IN PROSECUTING ECONOMIC AND FINANCIAL CRIMES

❖ *Target Four: Prosecution of all (100%) persons suspected to be involved in embezzlement and misappropriation of public funds as highlighted by the Auditor General Report (2014-2015) and other economic and financial crimes;*

a. Economic and financial crimes handled:

Crime	Received cases	Filed to court	Closed cases	Total cases handled	Pending	% of cases handled
Embezzlement	114	38	26	64	50	56.14
Corruption and related crimes	49	18	7	25	24	51.02

b. Conviction rate

Crime	Cases Pronounced	Cases Won	Cases Lost	Conviction rate
Embezzlement	25	24	1	96.0
Corruption and related crimes	13	9	4	69.2

*c. Summary of NPPA actions regarding the 2014-2015 OAG Report**i. Summary of the report:*

Public entities audited	Public entities subjected to the preliminary investigation	Public entities having clean reports
157	98	59

ii. State of the report's analysis:

Public entities whose reports have to be analysed	Public entities whose reports have been fully analysed	Pending analysis	Analysis' achievements
98	58	40	59%

iii. State of preliminary investigation:

Public entities subjected to preliminary investigation	Public entities whose preliminary investigation was completed	Cases whose preliminary investigation is ongoing	Preliminary investigation's achievements %	Other cases
58	11	47	19%	6

iv. Enforcement of fine without trial:

Cases	Suspects who paid the fine without trial	Amount paid
1	3	1,500,000 frw

v. Public funds returned:

Cases	Number of suspects who returned the public funds		Amount returned
	Civil Servants	Other people	
3	6	-	Rwf 5,800,000

4.5. ACHIEVEMENT IN PROSECUTING GENDER BASED VIOLENCE CRIMES

❖ *Target five: To improve the prosecution of gender based violence cases*

a. Table showing GBV cases prosecuted:

Crime	Received	Filed with court	Closed	Total cases handled	Pending	%
Rape	73	30	23	53	20	72.60
Child defilement	349	192	80	272	77	77.94
Domestic violence	291	174	51	225	66	77.32
Total	713	396	154	550	163	77.14

b. Conviction rate

Crime	Cases Pronounced	Cases Won	Cases Lost	Conviction rate
Child defilement	155	117	38	75.5
Harassment of spouse	65	64	1	98.5
Rape	10	8	2	80.0

c. Cases in which DNA samples were sent to Germany during 1st Quarter

Month	Number of DNA samples sent
July 2016	3
August 2016	3
September 2016	11
Total	17

4.6. ACHIEVEMENTS IN PROSECUTING OTHER CRIMES WITH SPECIAL CONSEQUENCES ON NATIONAL SOVEREIGNTY

❖ *Target six: Improve the prosecution of crimes with special consequences on citizens' life.*

a. Cases handled:

Nº	Crime	Received	Filed to court	Closed	Total Cases Handled	Pending	%
1.	Human Trafficking	6	0	1	1	5	16.67
2.	Genocide Ideology	32	12	8	20	12	62.50
3.	Genocide denial or revisionism	6	1	1	2	4	33.33
4.	Drugs	1,385	1,186	72	1,258	127	90.83
5.	Murder	125	68	11	79	46	63.20
6.	Involuntary manslaughter	133	29	74	103	30	77.44

b. Cases pronounced and conviction rate

Crime	Cases Pronounced	Cases Won	Cases Lost	Conviction rate
Genocide Ideology	28	21	7	75.0
Genocide denial or revisionism	12	11	1	91.7
Drugs	1,003	965	38	96.2
Murder	33	30	3	90.9
Involuntary manslaughter	25	24	1	96.0

4.7. ACHIEVEMENTS IN PROTECTING AND ASSISTING VICTIMS AND WITNESSES

- ❖ **Target seven:** *To improve the services provided to victims and witnesses particularly by increasing the rate at which their complaints are handled from 94% to 96%*

In 1st Quarter (July-September 2016), the Witness and Victims Support Unit (WVSU) received **452** complaints of which **435** were resolved, while **15** are still pending. It shows that 96% of all complaints received were resolved.

4.8. OTHER ACTIVITIES PERFORMED BY NPPA

4.8.1. DELEGATES RECEIVED BY THE PROSECUTOR GENERAL

In the area of mutual legal assistance in the investigation and prosecution of crimes as provided for by Organic Law No. 04/2011/OL in its Article 26, between July and September 2016, the Prosecutor General received delegates from different countries as follows:

- ❖ On the 30 August 2016, the Prosecutor General meet with the team from Directorate on corruption and economic offence of Lesotho, they discussed on strategies used by NPPA to prevent and combat corruption in public procurement.



- ❖ On the 31st August 2016, Prosecutor General attended the official Launch of the 18th EAPCCO Annual General Assembly.
- ❖ And he received the truth, justice and reconciliation Sudanese commission. The purpose of the visit was to know the basic process that genocide, genocide ideology and other related crimes cases follow. The key challenge indicated that while the NPPA drafts and transmits many indictments and arrest warrants to different jurisdictions worldwide for fugitives suspected of committing genocide, the majority foreign jurisdictions are reluctant to arrest and extradite the suspects to Rwanda.



- ❖ 16 September 2016, the Prosecutor General received in his office the EALA deputies' committee in charge of fighting genocide ideology and denial. This committee has been explained the Organic Law determining the organization, functioning and competence of the National Public Prosecution Authority. After showing the achievement in fighting genocide ideology and denial, this committee appreciated the progress made.



- ❖ 10 October, 2016, The Prosecutor General attended the official opening of the judicial year 2016-2017. In his opening speech, the Prosecutor General indicated the achievement of the NPPA in 2015-2016, especially he highlighted that the cases were handled at **99.34%** and the convicted was **92.5%**.



- ❖ 14 October 2016, the Prosecutor General chaired the annual general assembly of NPPA 2016. This annual general assembly was for all NPPA staff and the guests were the institutions related to prosecution activities. Ten key decisions were taken, and will be implemented within this year 2016-2017.



4.8.2. RECEIVING AND RESOLVING COMPLAINTS FROM THE PUBLIC

The Inspectorate Department received complaints from twenty three members of the public and were resolved. During the same period it received and responded two hundred thirty nine (239) letters from across the country.

4.8.3. INSPECTING THE CASES HANDLED BY PROSECUTORS

In August 2016, the Inspectorate Department inspected the quantity and quality of all cases handled by all Prosecutors during the 2nd Semester of 2015-2016. The following were inspected:

- National Prosecutors;
- Chief Prosecutors at Intermediate Level;
- Prosecutors at Intermediate Level;
- Prosecutors at Primary Level.

4.8.4. CRIMINAL RECORD CERTIFICATES ISSUED

From July to September 2016, the National Public Prosecution Authority issued **8,732** criminal record certificates and **10,478,400 Frw** were collected and poured into the public treasury.

In order to keep data and deliver better services, 2,040 records of convicted and wanted persons were recorded into the database of the criminal records department and the project to issue criminal records online arrives at final stage in collaboration with Rwanda Online Project.

5. CONCLUSION

In the 1st quarter 2016-2017, more efforts were put on handling cases received by the NPPA in order to fight against backlogs because as shown earlier in this report, of the 7,238 case files received by the NPPA, 5,567 case files equivalent to 77% were handled.

In the reporting quarter, emphasis was also placed on investigation and prosecution of fugitives suspected of committing genocide against Tutsi in 1994 because in the reporting period 57 genocide fugitives' cases were handled.

Currently the strategies are in place to expedite the prosecution of certain crimes with special consequences on citizen's life.

In the next quarters of 2016-2017, the NPPA will continue to emphasize on expediting the work and to improve the services provided by NPPA to the public with a view to achieving its goals and to work closely with other public institutions to achieve EDPRS II, a 7 year government program, and Vision 2020.

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