

NATIONAL PUBLIC PROSECUTION AUTHORITY



NPPA QUARTERLY PROGRESSIVE REPORT July– December 2017

March, 2018

CONTENTS

1. INTRODUCTION	2
2. NPPA STAFF	4
3. BUDGET EXPENDITURE BY ACTIVITY (July -December 2017)	4
4. NPPA ACHIEVEMENTS « July-December 2017»	5
4.1. CASES HANDLED BY PROSECUTORIAL LEVELS	5
4.2. CONVICTION RATE BY PROSECUTORIAL LEVEL	7
4.3. SEEKING FUGITIVES SUSPECTED OF HAVING COMMITTED GENOCIDE AGAINST TUTSI IN 1994	7
4.4. NPPA ACHIEVEMENTS IN PROSECUTING ECONOMIC AND FINANCIAL CRIMES	9
4.5. ACHIEVEMENT IN PROSECUTING GENDER BASED VIOLENCE CRIMES	11
4.6. ACHIEVEMENTS IN PROSECUTING OTHER CRIMES WITH SPECIAL CONSEQUENCES ON NATIONAL SECURITY	12
4.7. ACHIEVEMENTS IN PROTECTING AND ASSISTING VICTIMS AND WITNESSES	13
4.8. OTHER ACTIVITIES PERFORMED BY THE NPPA	13
4.8.1. INTERNATIONAL COOPERATION:	13
4.8.2. RECEIVING AND RESOLVING COMPLAINTS FROM THE PUBLIC	15
4.8.3. INSPECTING FILES HANDLED BY PROSECUTORS	15
4.8.4. CRIMINAL RECORD CERTIFICATES ISSUED	15
4.8.5. FUNDS DEPOSITED INTO PUBLIC TREASURY	15
4.8.6. CHALLENGES ENCOUNTERED AND WAY FORWARD	16
5. CONCLUSION.....	17

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 in contributing to the security of people and their property by prosecuting offenders and bringing them to justice with equal treatment according to the Constitution of Rwanda and international standards” in the matters.

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 especially 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 2017-2018 makes a clear commitment to delivering a series of operational results or targets as follows:

- a. To increase the percentage of cases handled by the NPPA to at least 98.5%;
- 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 at least 300 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 (2015-2016); and other economic and financial crimes at 98%;
- e. To improve the prosecution of Gender Based Violence cases;
- f. Improve the prosecution of other crimes with special consequences on citizens' life;
- g. To improve the services provided to victims and witnesses particularly by increasing the rate at which their complaints are handled from 95.2% to 98%.

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 and sent; persons suspected to be involved in embezzlement and misappropriation of public funds as highlighted by the Auditor General Report 2014-2015 and 2015-2016 and other economic and financial crimes prosecuted; 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 fighting against impunity, this report shows different delegates received by Prosecutor General and Rogatory commissions received and assisted.

2. NPPA STAFF

Nº	Post	Male	Female	Total
1.	Top Officials (Prosecutor General, Deputy Prosecutor General, Secretary General & Inspector General)	3	1	4
2.	Inspectors	3	1	4
3.	National Prosecutors	18	6	24
4.	Chief Prosecutors and Head of Unit	9	5	14
5.	Prosecutors at Intermediate level	49	32	81
6.	Prosecutors at Primary Levels	28	29	57
7.	Assistants	25	55	80
8.	Support staff	45	37	82
	Total	180	166	346

3. BUDGET EXPENDITURE BY ACTIVITY (July -December 2017)

Nº	ACTIVITY	BUDGET USED (FRW)
1	To prosecute criminal offenders and represent the prosecution before courts	2,122,497,448
2	To track genocide fugitives, handling their cases and follow up cases tried abroad	290,379,381
3	To prosecute persons involved in Economic and Financial crimes	188,343,588
4	To inspect the quantity and quality of cases processed by all prosecutors	112,287,624
5	To protect victims and witnesses of crimes	83,840,275
6	To cooperate with other countries in fighting against criminality	41,954,039
7	Other activities carried out	446,768,476
Total budget spent since July - December 2017		3,286,070,831 (53% of the total budget)

4. NPPA ACHIEVEMENTS « July-December 2017»

Based on its competence provided for by the Law, the specific objectives contained in its third Strategic Plan, series of operational targets as indicated in 2017-2018 NPPA's performance contract and operational plan and based on the performance indicators, in both quality and quantity, the NPPA achieved the following activities:

4.1. CASES HANDLED BY PROSECUTORIAL LEVELS

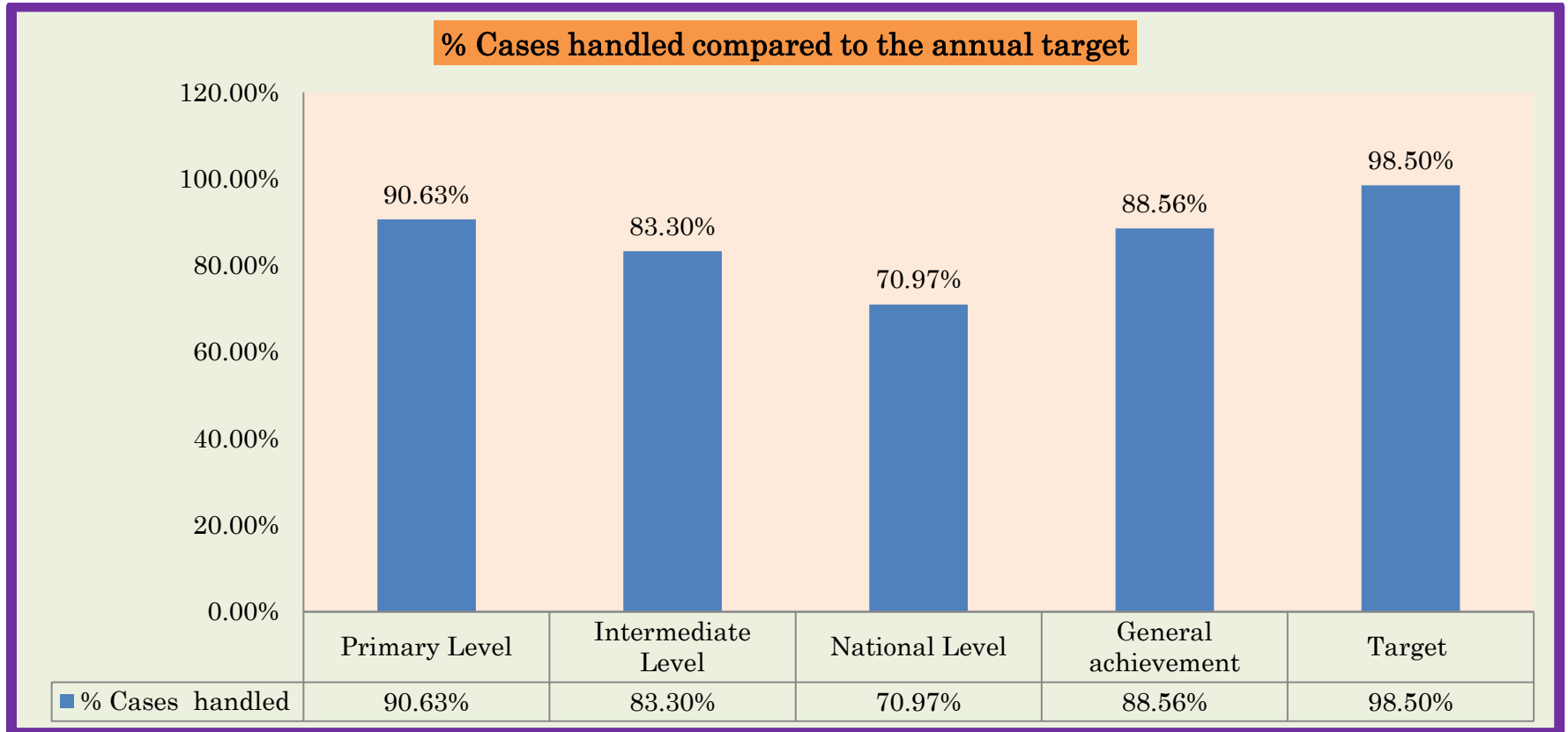
❖ **Target one:** *To increase the percentage of cases handled by the NPPA to at least 98%;*

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

Table 1: CASES HANDLED

Prosecution Level	Received cases	Suspects involved			Handled cases			Pending cases	%
		Female	Male	Total	Filed with courts	Closed	Total cases handled		
Primary	16,067	2,736	19,206	21,941	10,803	3,759	14,562	1,505	90.63
Intermediate	6,132	865	7,762	8,627	3,206	1,902	5,108	1,024	83.30
National	62	23	98	121	36	8	44	18	70.97
Total	22,261	3,624	27,065	30,689	14,045	5,669	19,714	2,547	88.56

Table 2: % OF CASES HANDLED BY PROSECUTORIAL LEVEL



Note: the target of handling 98.5% was not achieved because of a big increase of received cases compared to the number of prosecutors.

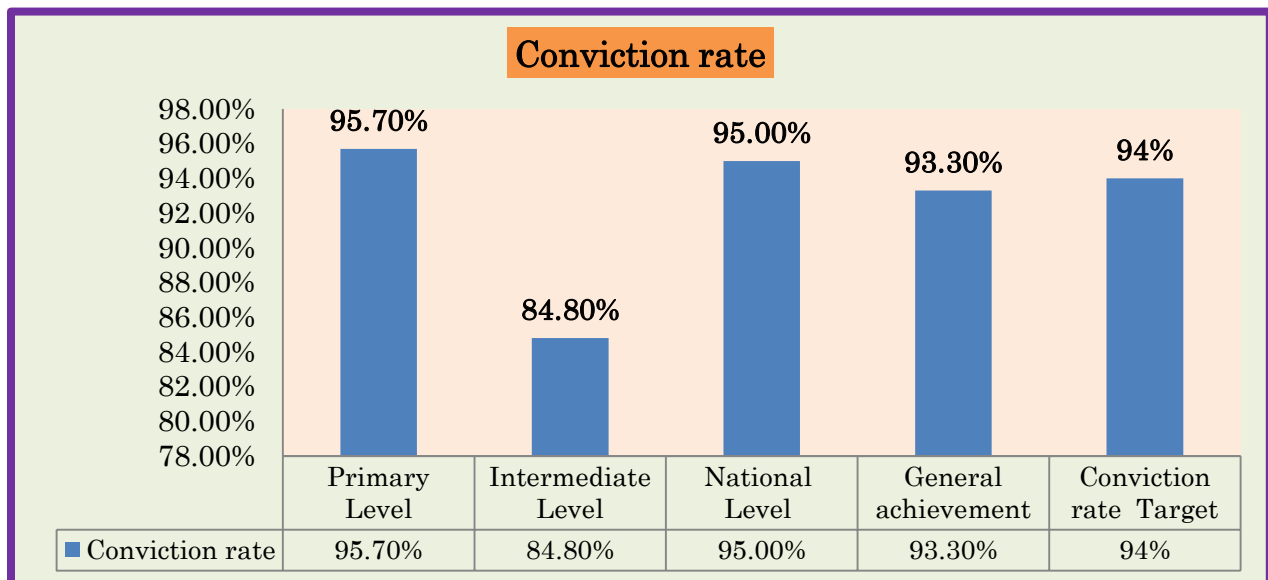
4.2. CONVICTION RATE BY PROSECUTORIAL LEVEL

❖ *Target two: To increase the conviction rate to at least 94%;*

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

Table 3: CONVICTION RATE BY PROSECUTORIAL LEVEL

Prosecution Level	Pronounced cases	Cases won	Cases lost	Conviction rate
Primary	8,250	7,893	357	95.7
Intermediate	2,611	2,215	396	84.8
National	1,160	1,102	58	95
Total	12,021	11,210	811	93.3



4.3. SEEKING FUGITIVES SUSPECTED OF HAVING COMMITTED GENOCIDE AGAINST TUTSI IN 1994

❖ *Target Three: Speed up the prosecution of fugitives suspected of having committed genocide against the Tutsi by handling 300 genocide fugitives' cases.*

a. Genocide fugitives' cases investigated and handled

From July-December 2017, one hundred and thirty seven (137) files were completely investigated, one hundred and fifty five (155) genocide fugitives' cases were handled and one hundred (100) indictments were sent in different countries.

b. Fugitives extradited to Rwanda

From July - December 2017, one genocide fugitive was extradited to Rwanda:

N°	NAME	Date of extradition	Country he/she came from
1.	TWAGIRAMUNGU Jean	August 18, 2017	Germany

c. Cases currently on trial before the International Crimes Chamber of Rwanda's High Court:

N°	Case	Status
1.	Dr. Léon MUGESERA	On 15 April 2016, the High Court sentenced him to the life imprisonment. The accused has appealed to the Supreme Court.
2.	Charles BANDORA	On 15 May 2015, the High Court sentenced him to 30 years imprisonment. The accused has appealed to the Supreme Court and currently the appeal is underway.
3.	Pasteur Jean UWINKINDI	On 30 December 2015, the High Court sentenced him to life imprisonment. The accused has appealed to the Supreme Court.
4.	Bernard MUNYAGISHARI	On 20 April 2017, the High Court sentenced him to the life imprisonment. The accused has appealed to the Supreme Court.
5.	Léopold MUNYAKAZI	On 14 July 2017, the Intermediate Court of Muhanga sentenced him to life imprisonment with special provision. The accused has appealed and currently the case is ongoing before High Court since 16 October 2017.
6.	Emmanuel MBARUSHIMANA	On 30 November 2017, the High Court sentenced him to life imprisonment. The accused has appealed to the Supreme Court.
7.	Ladislav NTAGANZWA	This case is ongoing before the High Court.
8.	Jean Baptiste MUGIMBA	This case is ongoing before the High Court.
9.	Jean Claude IYAMUREMYE	This case is ongoing before the High Court.
10.	TWAGIRAMUNGU Jean	The case is ongoing in 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 with court	Closed cases	Total cases handled	Pending cases	%
Embezzlement	276	145	56	201	75	72.8
Corruption and related offences	410	246	116	362	48	88.3
Tax related offences	20	5	7	12	8	60.0
Public tenders related offences	17	4	6	10	7	58.8
Misuse of property of public interest	13	3	4	7	6	53.8
Total	736	403	189	592	144	80.5

b. Conviction rate

Crime	Pronounced cases	Cases Won	Cases Lost	Conviction rate
Corruption and related cases	139	116	23	83
Embezzlement	130	108	22	83
Tax related offences	10	8	2	80
Public tenders related offences	5	2	3	40
Misuse of property of public interest	2	1	1	50
Total	286	235	51	82

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 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 %
98	95	3	97%

iii. Cases from the 2014-2015 OAG report

Total cases to handle	Cases filed with courts	Closed cases	Cases transmitted to MP ¹	Total cases handled	Pending cases	%
95	14	66	05	85	10	89.4%

iv. Enforcement of fine

Cases	Suspects who accepted to pay fine	Amount paid
4	12	4,200,000

v. Public funds returned

Cases	Number of suspects who returned the public funds		Amount returned
27	Civil Servants	Other people	3,500\$, 124,752,955 Frw and other recovered assets equivalent to 100,994,000 Frw
	66	5	

d. Summary of NPPA actions regarding the 2015-2016 OAG Report

i. Summary of the report 2015-2016

Public entities audited	Public entities subjected to the preliminary investigation	Public entities having clean reports
147	59	88

¹ MP: Military Prosecution

ii. Assessment of the report

Public entities whose reports have to be assessed	Public entities whose reports have been fully assessed	Pending assessments	Achievements (%)
59	9	50	15.2%

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 (%)
59	9	50	15.2%

e. International Rogatory commissions in regard to Economic and Financial crimes:

Since January up to December 2017, the NPPA has sent 6 Mutual Legal Assistance Requests in different countries namely USA, Canada, Belgium, Spain, Nigeria and Uganda.

The purpose was to request concerned countries to assist the NPPA in conducting investigations on cases involving public funds which were diverted or converted into other assets and hidden abroad. The investigations have started in Belgium, Canada and Nigeria.

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 (July – December 2017):

Crime	Received cases	Filed with court	Closed Cases	Total cases handled	Pending Cases	%
Child defilement	1,463	820	429	1,249	214	85.37
Rape	228	87	112	199	29	87.28
Harassment of spouse	541	358	143	501	40	92.61
Total	2,232	1,265	684	1,949	283	87.32

b. Conviction rate (July – December 2017):

Crime	Pronounced cases	Cases Won	Cases Lost	Conviction rate
Child defilement	673	538	135	79.9
Rape	66	38	28	57.6
Harassment of spouse	275	267	8	97.1
Total	1,014	843	171	83.1

c. Cases in which DNA samples were sent to Germany for analysis (July – December 2017):

Month	Number of DNA samples sent
July 2017	3
August 2017	8
September 2017	9
October 2017	8
November 2017	14
December 2017	9
Total	51

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

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

a. Cases handled:

Nº	Crime	Received Cases	Filed with court	Closed cases	Transferred cases	Total Cases Handled	Pending	%
1.	Human Trafficking	24	14	4	1	19	5	79.2
2.	Genocide Ideology	87	55	22	1	78	9	89.6
3.	Negationism and minimization of genocide	17	11	4	0	15	2	88.2
4.	Discrimination and Sectarianism practices	75	39	15	0	54	21	72
5.	Drugs	2,699	2,445	98	0	2,543	156	94.2
6.	Murder	302	213	32	0	245	57	81.1
7.	Involuntary manslaughter	124	43	49	0	92	32	74.2

b. Cases pronounced and conviction rate

Nº	Crime	Pronounced cases	Cases Won	Cases Lost	Conviction rate
1.	Human Trafficking	7	6	1	85.7
2.	Genocide Ideology	116	92	24	79.3
3.	Negationism and minimization of genocide	21	18	3	85.7
4.	Discrimination and Sectarianism practices	42	33	9	78.6
5.	Drugs	2,068	1,998	70	96.6
6.	Murder	172	149	23	86.6
7.	Involuntary manslaughter	35	32	3	91.4

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 96% to 98%.*

From July - December 2017, the Witness and Victims Support Unit (WVSU) received 1,892 complaints of which 1,873 were resolved, while 19 are still pending. It shows that (98.9%) of all complaints received were resolved.

4.8. OTHER ACTIVITIES PERFORMED BY THE NPPA

4.8.1. INTERNATIONAL COOPERATION:

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 December 2016, the Prosecutor General received delegates from different countries and participated in international and regional meetings as follows:

- On 28th July, 2017 the Prosecutor General attended the strategic and executive committee meeting of African Prosecutors Association (APA) in Mozambique.
The executive committee meeting of (APA) was to discuss strategies for effective cooperation in Prosecution of criminal offences.

- On 2nd August 2017, meets with Mr. Gerhard Braun, Head of mission in the Embassy of the Federal Republic of Germany in Kigali and Ms. Katharina Vianden, Legal advisor.
- From 29th August to 01st September 2017, the Prosecutor General opened the training of prosecutors from EAC countries namely Kenya, Rwanda, Tanzania and Uganda. The purpose of this training was to increase the capacity in preventing international crimes.
- On 28th September, 2017, the NPPA hosted the 6th Annual General Meeting of the East African Association of Prosecutors (EAAP) in Kigali. The aim of this General Meeting of EAAP was to strengthen capacity of prosecutors in the region and enhance cooperation in criminal matters. The Prosecutor General Jean Bosco MUTANGANA has been elected President of the East African Association of Prosecutors to replace the DPP of KENYA Hon. Keriako Tobiko.
- On 24th October 2017, Prosecutor General attended the National GBV Steering Committee meeting at the Regional Centre of Excellence on GBV and Child Abuse located at RNP Kacyiru.
- 09 -10 /11/2017 at Lemigo Hotel: Prosecutor General chaired the Workshop on combating economic and financial crimes aimed at discussing the challenges encountered in investigating and prosecuting these crimes and strengthening domestic cooperation in tracing, seizing /freezing and confiscating the proceeds of crime.
- On 13th November 2017, the Prosecutor General received in his office Rwandan Parliamentarians' Network against Corruption (APNAC-RWANDA) and discussed on collaboration between the NPPA and APNAC in fighting against corruption.
- On 24th November 2017, the Prosecutor General chaired the Annual General Assembly of all NPPA Staff and stakeholders to discuss achievements registered in 2016-2017, challenges encountered and main priorities of 2017-2018.
- On 28th November 2017, Prosecutor General attended the Executive Committee Meetings of the African Prosecutors Association (APA) in Cairo, Egypt.
- 18-19 December 2017 at Kigali Convention Center: the Prosecutor General attended 15th National Dialogue Council.

4.8.2. RECEIVING AND RESOLVING COMPLAINTS FROM THE PUBLIC

The Inspectorate Department received complaints from fifty seven (57) members of the public and resolved them. During the same period it received and responded to seven hundred sixteen (716) letters across the country.

4.8.3. INSPECTING FILES HANDLED BY PROSECUTORS

In August & September 2017, the Inspectorate Department inspected the quantity and quality of 19,021 cases handled by all Prosecutors during the 2nd Semester of 2016-2017 as follows:

- ✓ 13,808 cases handled by Prosecutors at Primary Level;
- ✓ 5,160 cases handled by Prosecutors at Intermediate Level;
- ✓ 53 cases handled by Prosecutors at National Level.

Identified mistakes were discussed in meeting and the disciplinary measures were taken where necessary.

4.8.4. CRIMINAL RECORD CERTIFICATES ISSUED

From July to December 2017, the National Public Prosecution Authority issued 66,418 criminal record certificates and 79,701,600 Frw were collected and poured into the public treasury. In order to keep data and deliver better services, 75,467 records of persons convicted by ordinary courts were recorded into the database of the criminal records department and the criminal record certificate is currently issued online.

4.8.5. FUNDS DEPOSITED INTO PUBLIC TREASURY

From July to December 2017, the NPPA poured into the public treasury 294,099,355 FRW from transactional fine, accident files sold, criminal certificates issued, embezzled funds returned and fine enforced without trial.

4.8.6. CHALLENGES ENCOUNTERED AND WAY FORWARD

➤ **Challenges**

- i. Increase in number of cases received compared to previous years while the number of staff is still the same.
- ii. The proportional of countries that react to the indictments received for Genocide against Tutsi in 1994 fugitive's cases that are hostelled by them is still low.
- iii. Lack of Judicial Police Officers to speed up the investigation of cases arising form 2014-2015 and 2015-2016 OAG² Reports and genocide fugitives suspects.

➤ **Way Forward**

- i. The prosecutors in charge of case handling are aware of the situation and take measures to prevent the emergence of backlogs;
- ii. The NPPA will continue to make the follow up on indictments sent and involve other institutions as well as regional and international associations.
- iii. Continue negotiation with the Rwanda National Police to avail Judicial Police Officers working jointly with the team of Prosecutors in charge of economic and financial crimes.

² **OAG:** Office of the Auditor General

5. CONCLUSION

From July to December 2017, due to high increase of case received with constraints of human resources that remain constant, more efforts were to be put on handling cases received by the NPPA in order to fight against backlogs as shown by the percentage of case files handled (88.56%) during this period.

In the reporting period, emphasis was also placed on investigation and prosecution of economic and financial crimes especially cases related to Auditor General Report 2014-2015 and 2015-2016.

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

In the next quarters, the NPPA will continue to emphasize on expediting the work and to improve the services provided for by the NPPA to the public with a view to achieving its goals and to work closely with other public institutions to achieve NST1(National Strategy for Transformational one) targets.

Jean Bosco MUTANGANA
Prosecutor General