

NATIONAL PUBLIC PROSECUTION AUTHORITY



NPPA QUARTERLY PROGRESSIVE REPORT July– September 2017

November 2017

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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 Rule of Law as part of EDPRS II. The specific contribution of NPPA in achieving those above mentioned pillars is “Delivering fair and timely 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 Public Prosecution shall be responsible for the prosecution of any person suspected of having committed acts constituting an offence.

iii. COMPETENCE

As provided for by the 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 and modified to date in its article 26, the NPPA is 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 general objective of NPPA is “To improve effectiveness and efficiency institutional capacity to be able to deliver fair and timely service 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 improve the public satisfaction with the quality and timeliness NPPA services;
- b. To deliver fair and timely prosecution by increasing conviction rate from 85% to 95% in 2018 and maintaining illegal detention at 0%;

- c. To accelerate the prosecution of international crimes including genocide by tracking 100% of genocide fugitive suspects sheltered by different 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 Operational Plan 2017-2018 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 98.5%;
- b. To increase the conviction rate to at least 94%;
- c. To speed up the prosecution of fugitives suspected of having committed genocide against the Tutsi by handling at least 300 genocide fugitives' cases
- d. To prosecute 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 will be handled at 98%;
- e. To improve the prosecution of gender based violence cases;
- f. To improve the prosecution of other crimes with special consequences on citizens' life;
- g. To improve service given 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 orientation of NPPA, each quarter, the NPPA produces a report on 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 handled cases; the number of pronounced cases and the conviction rate; investigations completed, number of genocide fugitives' cases handled and indictments drafted and sent in different countries worldwide; 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; specific crimes handled with special attention because of their consequences on the citizen's life and 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 by the NPPA.

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 Units	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 - September 2017)

Nº	ACTIVITY	BUDGET USED (FRW)
1	To prosecute criminal offenders	1,049,782,292
2	To track genocide fugitives, handling their cases and follow up cases tried abroad	143,631,534
3	To prosecute officials involved in economic and financial crimes	93,164,631
4	To inspect quantity and quality of files handled by all prosecutors	55,537,459
5	To protect victims and witnesses of offences	44,500,197
6	To cooperate with other countries in the fight against criminality	17,782,868
7	Supporting activities carried out	221,218,988
Total budget spent since July - September 2017		1,625,617,968

4. NPPA ACHIEVEMENTS « July-September 2017»

Based on its competence provided the Law, the specific objectives contained in its third Strategic Plan, series of operational targets as indicated in 2017-2018 NPPA's performance contract, the NPPA achieved the following:

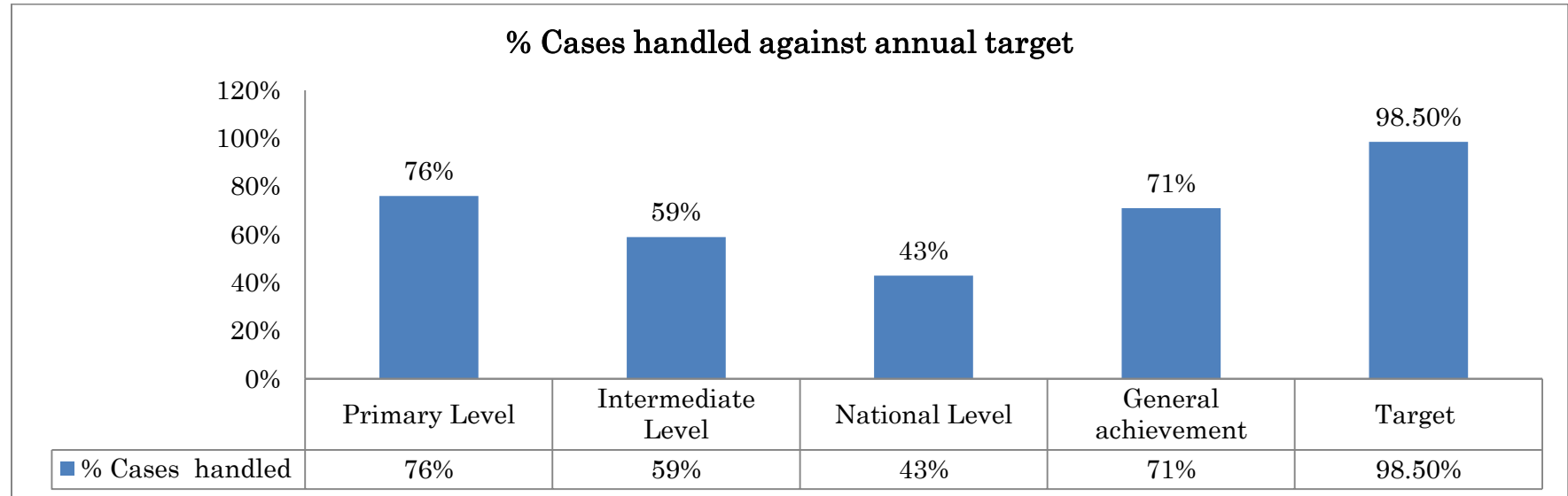
4.1. CASES HANDLED

❖ **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 were handled on each level of prosecution.

Table 1: CRIMINAL CASES HANDLED

Departments	Received cases	Suspects			Handled cases				Pending	(%)
		Male	Female	Total	Filed with courts	Closed	Transferred	Total handled cases		
Primary Level	7,433	6,599	863	7,462	4,372	1,206	82	5,663	1,770	76%
Intermediate Level	2,985	2,811	184	2,995	1,097	618	51	1,774	1,211	59%
National Level	14	13	1	14	4	2	0	6	8	43%
Total	10,432	9,423	1,048	10,471	5,473	1,826	133	7,443	2,989	71

Table 2: % OF CASES HANDLED BY DIFFERENT LEVELS OF PROSECUTION:

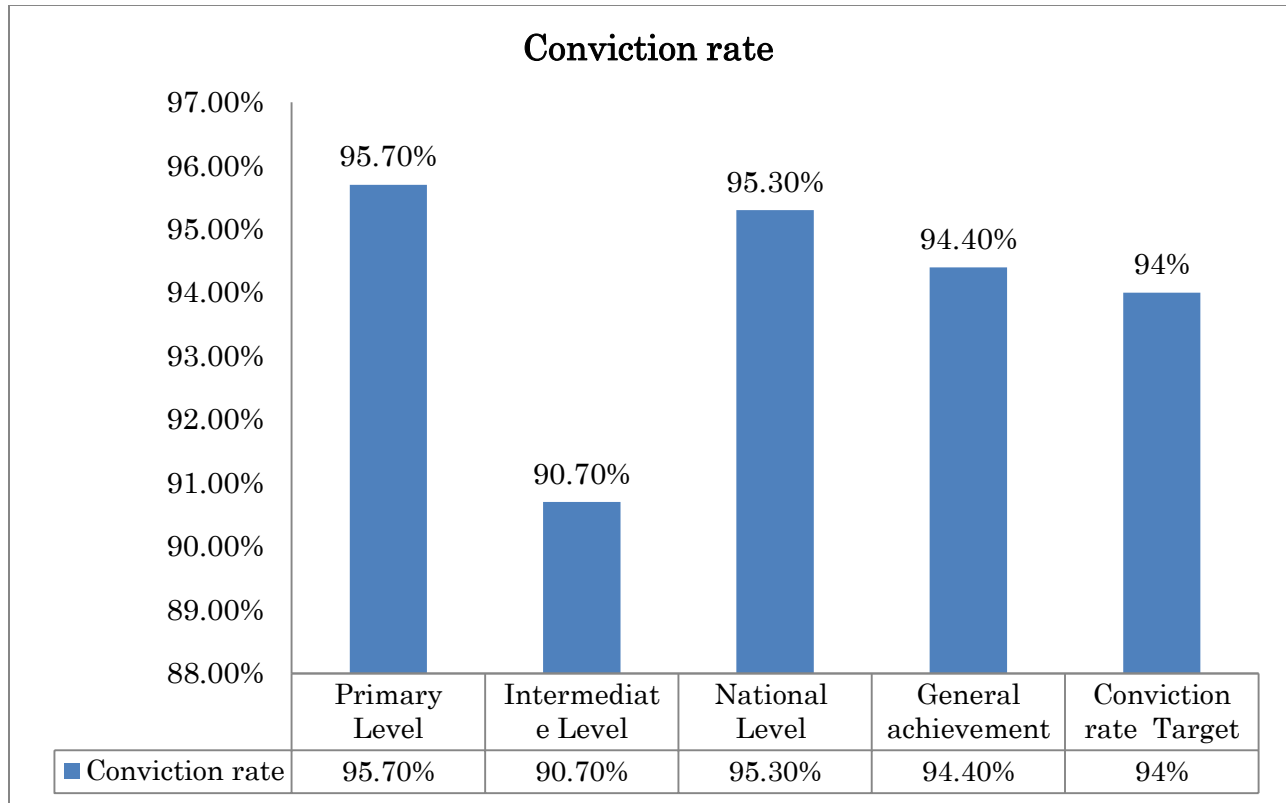
4.2. CONVICTION RATE

❖ **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 in different levels of prosecution.

Table 3: CONVICTION RATE IN DIFFERENT LEVELS OF PROSECUTION:

Prosecution Level	Pronounced cases	Accused persons			Cases won	Cases lost	Conviction rate
		Male	Female	Total			
Primary Level	2,897	2,702	281	2,983	2771	126	95.7
Intermediate Level	1,131	1,067	111	1,178	1,026	102	90.7
National Level	448	565	40	605	427	21	95.3
Total	4,476	4,334	432	4,766	4224	249	94.4



4.3. TRACKING FUGITIVES SUSPECTED OF HAVING COMMITTED GENOCIDE AGAINST TUTSI

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

a. Genocide fugitives' cases investigated and handled

From July to September 2017, thirty three (33) files were completely investigated, sixty one (61) genocide fugitives' cases were handled and sixty one (61) indictments were sent in different countries.

b. Fugitives extradited to Rwanda

From July-September 2017, one genocide fugitive was extracted to Rwanda:

N°	NAME	Date of extraction	Country
1.	TWAGIRAMUNGU Jean	August 18, 2017	Germany

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

N°	Case	Status
1.	Dr. Léon MUGESERA	On 15 th April 2016; the high court of Rwanda sentenced him to the life imprisonment. The accused appealed in the Supreme Court.
2.	Charles BANDORA	On 15 th May 2015; the high court of Rwanda sentenced him to 30 years imprisonment. The accused appealed in the Supreme Court.
3.	Pasteur Jean UWINKINDI	On 30 th December 2015; the high court of Rwanda sentenced him to life imprisonment. The accused appealed in the Supreme Court.
4.	Bernard MUNYAGISHARI	On 20 th April 2017; the high court sentenced him to the life imprisonment. The accused appealed in the Supreme Court.
5.	Léopold MUNYAKAZI	On 14 th July 2017; the intermediate court of Muhanga sentenced him to life imprisonment with special provision. The accused appealed and currently the case is ongoing before high court, since 16 October 2017
6.	Emmanuel MBARUSHIMANA	The hearing was closed at high court, the definitive judgment will be pronounced on 30 November 2017
7.	Ladislas 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. THE 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 in the Auditor General Report (2014-2015) and other economic and financial crimes:

a. Economic and financial crimes handled:

Crime	Received cases	Suspects			Filed to court	Closed cases	Total cases handled	Pending	% of cases handled
		Male	Female	Total					
Embezzlement	107	101	6	107	47	17	64	43	59.8
Corruption and related crimes	117	105	14	119	39	14	53	64	45.3
Illegal exemption	1	1	0	1	0	0	0	1	0.0
Tax evasion	5	5	0	5	1	0	0	4	20.0
Misuse of property of public interest	2	2	0	2	1	0	0	1	50.0
Total	232	214	20	234	88	31	119	113	51.30

b. Conviction rate

Crime	Cases Pronounced	Accused			Cases Won	Cases Lost	Conviction rate
		Male	Female	Total			
Embezzlement	47	48	8	56	39	8	83%
Corruption and related crimes	52	57	2	59	48	4	92,3%
Tax evasion	2	2	0	2	2	0	100%
Total	101	107	10	117	89	12	88.11%

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	70	28	71.4%

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	%
70	11	36	05	52	18	74.2%

iv. Other cases

Total Cases to handle	Cases filed to the court	Closed cases	Cases transmitted to MPD	Total cases handled	Pending cases	%
57	23	03	00	26	31	50.9%

v. Enforcement of fine

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

vi. Public funds returned

Cases	Number of suspects who returned the public funds		Amount returned
22	Civil Servants	Other people	3,500\$
	57	3	71,724,343 Frw

¹ MP: Military Prosecution

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

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	8	51	13.5%

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	6	53	10.17%

iv. Completed cases (at NPPA level)

✓ Cases from the 2015-2016 OAG report

Total cases to handle	Cases filed with courts	Closed cases	Cases transmitted to MP	Total cases handled	Pending cases	Achievement %
59	0	0	0	0	59	0%

✓ Other cases

Total Cases to handle	Cases filed to the court	Closed cases	Cases transmitted to MPD	Total cases handled	Pending cases	Achievement %
32	2	0	0	2	30	6.2%

e. Economic and Financial Crimes: International Rogatory commissions

Since January up to September 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. ACHIEVEMENTS 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	Suspects			Filed with court	Closed	Total cases handled	Pending	%
		Male	Female	Total					
Child defilement	702	689	15	704	310	125	435	267	62
Rape	111	110	1	111	35	30	65	46	58.6
Harassment of spouse	213	205	8	213	114	44	158	55	74.2
Total	1,026	1,004	24	1,028	459	199	658	368	64.13

b. Conviction rate

Crime	Pronounced cases	Accused person			Cases Won	Cases Lost	Conviction rate
		Male	Female	Total			
Rape	28	29	0	29	22	6	78.50%
Child defilement	241	253	13	266	212	29	87.90%
Harassment of spouse	61	57	4	61	58	3	95.00%
Total	330	339	17	356	292	38	88.50%

c. Cases in which DNA samples were sent to Germany during 3 Quarters

Month	Number of DNA samples sent
July 2017	3
August 2017	8
September 2017	9
Total	20

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

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

a. Cases handled:

N°	Crime	Received	Suspects			Filed to court	Closed	Transferred	Total Cases Handled	Pending	% of case handled
			Male	Female	Total						
1.	Human Trafficking	9	9	1	10	1	0	1	2	7	22.2
2.	Genocide Ideology	52	48	5	53	20	14	1	35	17	67.3
3.	Genocide denial or revisionism	7	5	2	7	3	1	0	4	3	57.1
4.	Drugs	1257	1074	187	1261	1054	82	7	1143	114	90.9
5.	Murder	164	132	32	164	82	17	12	111	53	67.7
6.	Involuntary manslaughter	131	123	10	133	29	59	0	88	43	67.2

b. Cases pronounced and conviction rate

N°	Crime	Cases Pronounced	Accused			Cases Won	Cases Lost	Conviction rate
			Male	Female	Total			
1.	Genocide Ideology	35	31	7		30	5	85,7%
2.	Genocide denial or revisionism	7	6	1		6	1	85,7%
3.	Drugs	1022	979	115	1094	998	24	97.65%
4.	Murder	119	131	12	143	109	10	91.60%
5.	Involuntary manslaughter	22	24	1	25	21	1	95.45%

4.7. ACHIEVEMENTS IN PROTECTING AND ASSISTING VICTIMS AND WITNESSES

- ❖ **Target seven:** *To improve the service provided for victims and witnesses particularly by increasing the rate at which their complaints are handled (from 96% to 98%).*

From July - September 2017, the Witness and Victims Support Unit (WVSU) received **619** complaints of which **611 (98.70%)** were resolved, while **8** are still pending. It shows that **98.70%** of all complaints received were resolved.

4.8. OTHER ACTIVITIES PERFORMED BY THE 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 December 2016, the Prosecutor General received delegates from different countries, attend different 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, the Prosecutor General 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 skills in preventing and prosecuting international criminal cases.
- ❖ On 28th September 2017, the Prosecutor General of Rwanda 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 was elected President of the East African Association of Prosecutors; he replaced the DPP of KENYA Hon. Keriako Tobiko.

4.8.2. RECEIVING AND RESOLVING COMPLAINTS FROM THE PUBLIC

The Inspectorate Department received complaints from twenty five (**25**) members of the public and resolved them. During the same period it received and responded to three hundred forty six (**346**) letters from across the country.

4.8.3. INSPECTING THE CASES HANDLED BY PROSECUTORS

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

4.8.4. CRIMINAL RECORD CERTIFICATES ISSUED

From July to September 2017, the National Public Prosecution Authority issued **18,980** criminal record certificates and **36,876,000** Frw were poured into the public treasury. In order to keep data and deliver better services, **26,271** 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 POURED INTO PUBLIC TREASURY

From July to September 2017, the NPPA poured into the public treasury **66,828,500** FRW from transactional fine, files sold, criminal certificates issued, embezzled funds returned.

4.8.6. CHALLENGES ENCOUNTERED AND WAY FORWARD

➤ Challenges

- i. The proportion of countries that react to the indictments received is still low.
- ii. Increase in number of cases received compared to previous years while the number Prosecutors is still small.
- iii. Lack of judicial police officers to speed up the investigation on cases arising from 2014-2015 and 2015-2016 OAG reports.

➤ Way Forward

- i. The NPPA will continue to make the follow up on indictments sent and involve other institutions, regional and international associations as well;
- ii. The negotiation with the Rwanda National Police to avail judicial police officers for EFCU is underway.

5. CONCLUSION

From July to September 2017, due to increase at increasing rate 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 (71%) during this period.

In the reporting period, emphasis was also put on investigation and prosecution of economic and financial crimes especially on the cases related to 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 service provided by NPPA to the public with a view to achieving its goals and to work closely with other public institutions to achieve the NST1 targets.

Jean Bosco MUTANGANA

Prosecutor General