

NATIONAL PUBLIC PROSECUTION AUTHORITY



NPPA QUARTERLY PROGRESSIVE REPORT July 2016 – March 2017

May 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 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 at least 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. % 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	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. BUDGET EXPENDITURE BY ACTIVITY (July 2016 - March 2017)

NO	ACTIVITY	BUDGET USED/ FRW
1	To prosecute criminal offenders and represent the public before courts	2,888,945,504
2	To track genocide fugitives, handling their cases and follow up cases tried abroad	395,266,407
3	To prosecute officials involved in Economic and Financial crimes	256,384,150
4	To inspect the quantity and quality of cases processed by all prosecutors	152,836,158
5	To protect victims and witnesses of crimes	122,462,196
6	To cooperate with other countries in the fight against criminality	48,937,516
7	Other supporting activities carried out	608,782,987
Total budget spent since July 2016 - March 2017		4,473,614,916

4. NPPA ACHIEVEMENTS « July 2016 - March 2017»

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

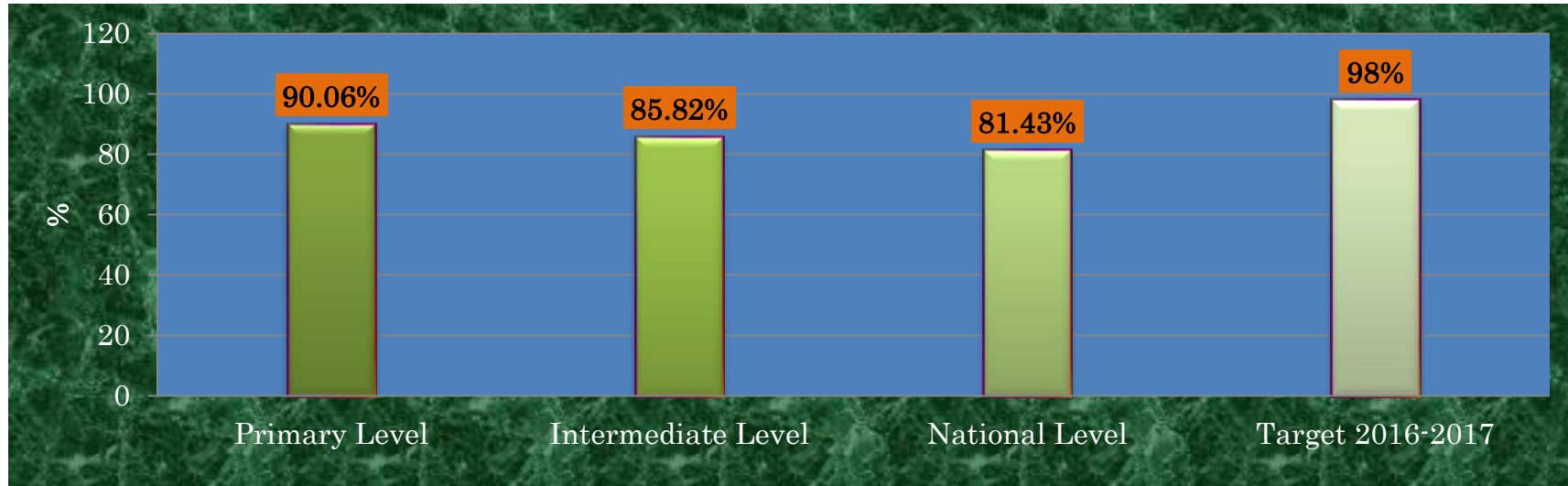
❖ *Target one:* To increase the percentage of cases handled by the NPPA to at least 98%;

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	Suspects			Handled cases				Pending cases	(%)
		Male	Female	Total	Filed with courts	Closed	Transferred	Total handled cases		
Primary Level	18,776	16,908	2,185	19,093	12,941	3,840	128	16,909	1,867	90.06
Intermediate Level	7,180	6,760	604	7,364	3,870	2,251	41	6,162	1,018	85.82
National Level	70	60	12	72	42	13	2	57	13	81.43
TOTAL	26,026	23,728	2,801	26,529	16,853	6,104	171	23,128	2,898	88.86

Table 2: % OF CASES HANDLED BY PROSECUTORIAL LEVEL



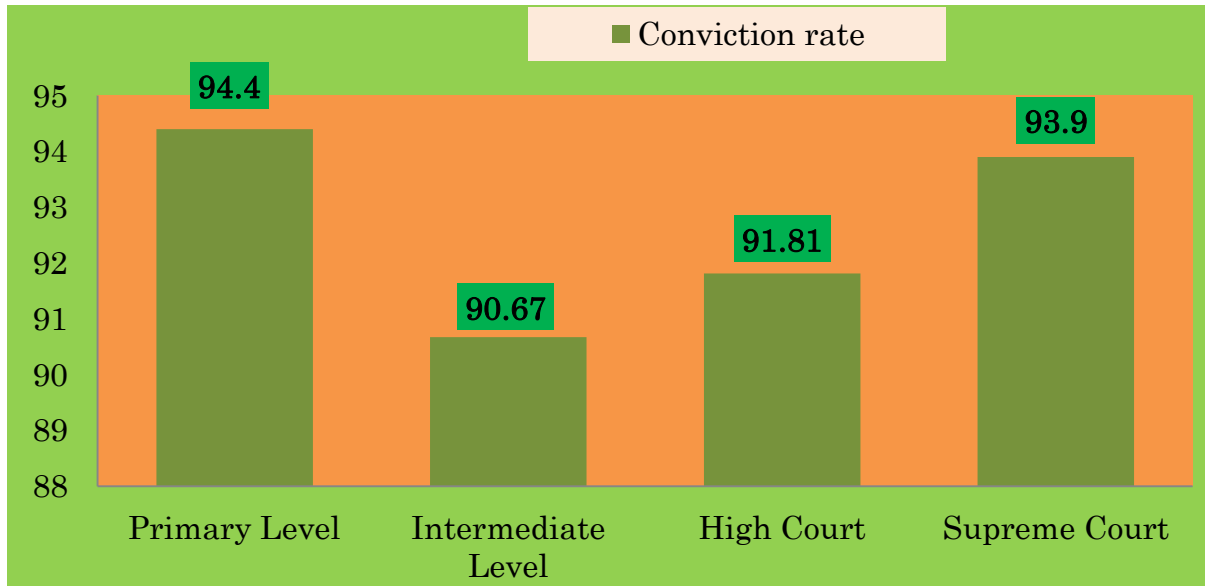
4.2. CONVICTION RATE BY PROSECUTORIAL LEVEL

❖ *Target two: To increase the conviction rate to at least 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	Accused persons			Cases won	Cases lost	Conviction rate
		Male	Female	Total			
Primary Level	8,793	8,530	1,038	9,568	8,301	492	94
Intermediate Level	4,308	4,255	440	4,695	3,906	402	91
High court	1,673	1,787	199	1,986	1,536	137	92
Supreme court	295	390	42	432	277	18	94
Total	15,069	14,962	1,719	16681	14,020	1,049	93.04



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 2016 - March 2017, two hundred forty four (244) files were completely investigated, one hundred ninety six (196) genocide fugitives' cases were handled and eight seven (87) indictments were sent in different countries.

b. Fugitives extradited to Rwanda

In the same period, four (4) genocide fugitives were extracted to Rwanda as follows:

N°	NAME	Date of extraction	Country
1.	Léopold MUNYAKAZI	September 28, 2016	USA
2.	Jean Baptiste MUGIMBA	November 12, 2016	Netherland
3.	Jean Claude IYAMUREMYE	November 12, 2016	Netherland
4.	Jean Claude SEYOBOKA	November 18, 2016	Canada

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

N°	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"> ▪ On 20 April 2017, the High Court sentenced him to the life imprisonment.
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"> ▪ This case is ongoing before the High Court.
7.	Léopold MUNYAKAZI	<ul style="list-style-type: none"> ▪ This case is ongoing before the High Court.
8.	Jean Baptiste MUGIMBA	<ul style="list-style-type: none"> ▪ The case is ongoing in prosecution
9.	Jean Claude IYAMUREMYE	<ul style="list-style-type: none"> ▪ 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	Transferred	Total cases handled	Pending	%
Embezzlement	397	199	86	3	288	109	72.5
Corruption and related crimes	352	216	70	5	291	61	82.7

b. Conviction rate

Crime	Pronounced cases	Cases Won	Cases Lost	Conviction rate
Embezzlement	234	203	31	86.75%
Corruption and related crimes	106	80	26	75.47%

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 %	Other cases
98	43	55	43.9%	7

iii. Enforcement of fine without trial:

Cases	Suspects who paid the fine without trial	Amount paid
2	4	2,500,000 frw

iv. Public funds returned:

Cases	Number of suspects who returned the public funds		Amount returned
	Civil Servants	Other people	
17	47	-	3,500\$ 50,843,853 frw

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	Transferred	Total cases handled	Pending	%
Rape	216	85	100	1	186	30	86.1
Child defilement	1,476	842	463	0	1,305	171	88.3
Harassment of spouse	563	380	123	4	507	56	90.0

b. Conviction rate

Crime	Pronounced cases	Cases won	Cases lost	Conviction rate
Rape	107	84	23	78.5
Child defilement	1,025	831	194	81.1
Harassment of spouse	273	259	14	94.9

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

Month	Number of DNA samples sent
July 2016	3
August 2016	3
September 2016	11
October 2016	5
November 2016	5
December 2016	3
January 2017	9
February 2017	8
March 2017	12
Total	59

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 with court	Closed	Transferred	Total cases Handled	Pending	%
1.	Human Trafficking	24	6	10	2	18	6	75.0
2.	Genocide Ideology	109	59	32	1	92	17	84.4
3.	Genocide denial or revisionism	23	10	8	0	18	5	78.3
4.	Drugs	4,487	3,977	310	20	4,307	180	96.0
5.	Murder	407	271	87	3	361	46	88.7
6.	Involuntary manslaughter	337	85	216	1	302	35	89.6

b. Cases pronounced and conviction rate

Crime	Cases Pronounced	Cases Won	Cases Lost	Conviction rate
Genocide ideology	144	121	23	84.0%
Genocide denial or revisionism	59	49	10	83.1%
Drugs	4,158	3,926	232	94.4%
Murder	530	484	46	91.3%
Involuntary manslaughter	64	62	2	96.9%

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%.*

From July 2016 - March 2017, the Witness and Victims Support Unit (WVSU) received 2,834 complaints of which 2,635 (92.97%) were resolved, while 199 are still pending. It shows that 92.97% of all complaints received were solved.

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 December 2016, the Prosecutor General received delegates from different countries as follows:

On the 30 August 2016, the Prosecutor General meets 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.



15th February 2017, the Prosecutor General Meets with Prosecutor of the Mechanism for International Criminal Tribunals(MICT)- Serge Brammertz they discussed on cooperation and mutual -assistance between the Republic of Rwanda and the UNMICT office of the Prosecutor.



15th February 2017, the Prosecutor General chaired Press conference with Journalists , He briefed the media on cooperation and mutual assistance between the Republic of Rwanda and the UNMICT office of the Prosecutor.

21st February 2017, the Prosecutor General held a meeting with Mr. Olufemi Elias registrar of the mechanism for international tribunals (UN MICT). They discussed on cooperation between NPPA and MICT. The cooperation which has been there since the creation of ICTR will continue in matter of information sharing and capacity building.



From 28th February to 1st March 2017, Prosecutor General attended the African Prosecutors Association (APA) executive and strategic committee meeting held at Cairo in Egypt. He also signed Memorandum of Understanding (MoU) to strengthen bilateral cooperation in combating crime with his Egyptian counterpart, Nabeel Ahmed Sadek.



9th March 2017, Prosecutor General meets with Monitors on ICTR cases that are being handled or judged in Rwanda.

4.8.2. RECEIVING AND RESOLVING COMPLAINTS FROM THE PUBLIC

The Inspectorate Department received complaints from seventy one (71) members of the public and were resolved. During the same period it received and responded six hundred - twenty (620) 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:

- ✓ 35 cases for National Prosecutors;
- ✓ 4,424 cases for Chief Prosecutors and Prosecutors at Intermediate Level;
- ✓ 7,928 cases for Prosecutors at Primary Level.

From January to March 2017, the Inspectorate Department inspected the quantity and quality of all case files handled by all Prosecutors since July to December 2016 as following:

- ✓ 55 cases for National Prosecutors;
- ✓ 3,980 cases for Chief Prosecutors and Prosecutors at Intermediate Level;
- ✓ 10,112 cases for Prosecutors at Primary Level

4.8.4. CRIMINAL RECORD CERTIFICATES ISSUED

From July 2016 to March 2017, the National Public Prosecution Authority issued **35,829** criminal record certificates and **48,927,565** Frw were collected and poured into the public treasury. In order to keep data and deliver better services, **54,292** records of persons convicted by ordinary court and **92% (1,874,953)** of persons convicted by Gacaca 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 2016 to March 2017, the NPPA poured into the public treasury **251,327,513** Frw from transactional fine, files sold, criminal record certificates issued, embezzled funds returned and fine enforced without trial.

4.8.6. CHALLENGES ENCOUNTERED AND WAY FORWARD

➤ Challenges

- i. The proportional of countries hosting genocide fugitives that react to the indictments received is still low.
- ii. Increase in number of cases received compared to previous years while the number of staff is still the same (more than 50% increase).
- iii. Lack of Judicial Police Officers to speed up the investigation of cases arising from 2014-15 OAG report and genocide fugitives suspects
- iv. Lack of modern ICT infrastructure to fully operationalize IECMS.

➤ Way Forward

- i. The NPPA will continue to make the follow up on indictments sent and cooperate with other national, regional and international stakeholders in arresting genocide fugitives;
- ii. To increase the individual performance of prosecutors in handling cases and cooperate with other institution in finding additional staff;
- iii. Elaborate a prosecution policy and conduct a research on criminality in Rwanda;
- iv. Negotiate with the Rwanda National Police to avail Judicial Police Officers for GFTU and EFCU to speed the investigation of economic and financial crimes as well as genocide fugitives cases
- v. The staffs have to be trained on usage of IECMS and cooperate with other institutions in finding ICT infrastructure.

5. CONCLUSION

From July 2016 to March 2017, due to increase of case received with constraints of human resources that remain constant, more efforts were to put on handling cases received by the NPPA in order to fight against backlogs as shown by the percentage of case files handled (88.86%) during this period.

In the reporting period, emphasis was also placed on investigation and prosecution of fugitives suspected of committing genocide against Tutsi in 1994 because in the reporting period 196 genocide fugitives' cases were handled and 87 indictments were sent.

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

In the next quarter 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 institutions to achieve EDPRS II, a 7 year government program, and Vision 2020.

Jean Bosco MUTANGANA
Prosecutor General