

NATIONAL PUBLIC PROSECUTION AUTHORITY



SEMESTER REPORT

July - December 2014

January 2015

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LIST OF ACRONYMS AND ABBREVIATIONS

APA: Africa Association of Prosecutors

DLP: Diploma in Legal Practice

DNA: Deoxyribonucleic Acid

EDPRS: Economic Development and Poverty Reduction Strategies

GBV: Gender Based Violence

ICT: Information Communication Technology

ICTR: International Criminal Tribunal for Rwanda

ICD: International Crimes Department

ILPD: Institute of Legal Practice and Development

IRM: Internal Resource Manager

IT: Information Technology

JPO: Judicial Police Officer

LAN: Local Area Network

M&E: Monitoring and Evaluation

MINECOFIN: Ministry of Finance and Economic Planning

NCBS: National Capacity Building Secretariat

NPPA: National Public Prosecution Authority

OL: Organic Law

0. VISION, MISSION AND STRATEGIC OBJECTIVES OF THE NATIONAL PUBLIC PROSECUTION AUTHORITY

VISION

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

MISSION

The NPPA mission is to “*participate in the security of people and their property by pursuing perpetrators of crimes and criminals to bring them to justice with equity of treatment in accordance with the Constitution and international instruments ratified by Rwanda*”.

OBJECTIVES

As stated in the 3rd Strategic Plan, the National Public Prosecution Authority (NPPA) has 8 main objectives grouped into two categories:

- ❖ In the context of empowering the NPPA:
 - Prepare and implement a five- year strategic plan aimed at empowering the National Public Prosecution Authority;
 - Improve efficiency in order to speed up and improve services;
 - Introduce ICT in all NPPA activities;
 - Improve relations with other institutions collaborating with the NPPA, including those in the country, in Africa and the rest of the world.
- ❖ In the context of providing timely and fair prosecution services:
 - Improve the quality and quantity of investigations that are carried out;
 - Improve the quality and quantity of case files processed by prosecutors;
 - Reinforce the tracking of fugitives suspected of participating in genocide and other crimes;
 - Assist and protect witnesses and victims.

1. INTRODUCTION

As determined by 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 in its Article 37¹, the NPPA hereby presents its achievements in a quarterly progress report.

The report highlights achievements registered between July and December 2014, based on targets set in the Action Plan and NPPA responsibilities as set out in Art. 26 of the above mentioned Organic Law.

Therein, the NPPA is charged with, among others, to:

- 1° investigate offences in relation to which it is conducting proceedings and lead investigations carried out by Judicial Police Officers;
- 2° prosecute criminal offences before all ordinary courts;
- 3° contribute to the formulation of criminal prosecution policies;
- 4° cooperate with other countries in the fight against criminality;
- 5° perform any other duties provided for by law.

In investigating offences, this report shows the total number of cases submitted to the NPPA following investigations conducted by JPOs supervised by prosecutors.

With regard to prosecution of criminal offenses, greater emphasis was placed on, among others, efficient handling of criminal case files and oral submissions before courts.

With regard to its 3rd duty (formulation of criminal prosecution policies), a monthly criminality report, considered a tool for the Minister of Justice to set policies aimed at preventing crimes, was produced and submitted.

¹ The Prosecutor General shall submit to the Minister in charge of Justice a quarterly report regarding the performance of the National Public Prosecution Authority

While carrying out its duty to cooperate with other countries in the fight against impunity, the report includes the indictments and international arrest warrants drafted and transmitted to different countries hosting 1994 Genocide fugitive suspects. Also Rogatory Commissions have been received and assisted.

2. NPPA STAFF:

Nº	Post	Number
1	Prosecutor General	1
2	Deputy Prosecutor General	1
3	Secretary General	1
4	Inspector General	1
5	Inspectors	4
6	National Prosecutors	16
7	Chief Prosecutors	12
8	Prosecutors at Intermediate Level	75
9	Prosecutors at Primary Level	60
10	Directors	7
11	IRM	12
12	Professionals	39
13	Chief Assistants	12
14	Assistants to Prosecutors	68
15	Administrative Assistants	4
16	Secretaries	6
17	Drivers	12
	Total	330

3. BUDGET UTILIZED

CONSOLIDATED BUDGET PERFORMANCE REPORT (July-December 2014):

Items	Financial Year 2014/2015	Financial Year 2014/2015	Financial Year 2014/2015	Variance	Perfor mance
	Approved Budget - Frw	Revised Budget - Frw	Actual - Frw	Frw	%
		A	B	A-B	(B/A)* 100
Expenses					
Compensation to Employees	2,508,033,778	2,582,555,865	1,256,124,605	1,326,431,260	49%
Use of Goods and Services	958,318,938	1,079,049,890	700,247,036	378,802,854	65%
Grants & other transfers & subsidies	600,000,000	510,000,000	0	510,000,000	0%
Social Assistance	10,600,000	18,901,074	4,694,712	14,206,362	25%
Other Expenses	1,000,000	1,000,000	5,580,054	-4,580,054	558%
Capital Expenditure	20,000,000	18,901,074	0	18,901,074	0%
Total expenses	4,097,952,716	4,210,407,903	1,966,646,407	2,243,761,496	47%

4. ACHIEVEMENTS OF NATIONAL PUBLIC PROSECUTION AUTHORITY (July - December 2014):

4.1. ACHIEVEMENTS IN HANDLING CRIMINAL CASE FILES

4.1.1. CASE FILES HANDLED (July - December 2014):

Prosecution Level	Case Files Received	Case Files Handled				Pending	% of case Handled/ Received
		Transmitted to Court	Closed	Transferred	Total cases handled		
Primary Level	10277	6347	1874	265	8486	1791	82,6%
Intermediate Level	4034	2019	1304	164	3487	547	86,4%
National Level	46	31	5	3	39	7	84,8%
Total	14357	8397	3183	432	12012	2345	83,6%

4.1.2 CONVICTION RATE

a. CASES PRONOUNCED BY COURTS

❖ Cases Pleaded by Primary Courts

Number of Cases Pronounced	Accused Persons	Convicted	Acquitted	Sentences			
				0- 1 year	1- 5 years	5-10 years	Fine
5015	5390	4744	646	2679	1639	16	410

❖ **Cases Pleaded by Intermediate Courts**

Number of Cases pronounced	Accused persons	Convicted	Acquitted	Sentence							
				0-1 year	1-5 years	5-10 years	10-15 years	15-20 years	15-20 years	Life sentence	Fine
2613	2920	2551	369	561	1017	278	40	31	12	94	518

❖ **Cases Pleaded by High Courts**

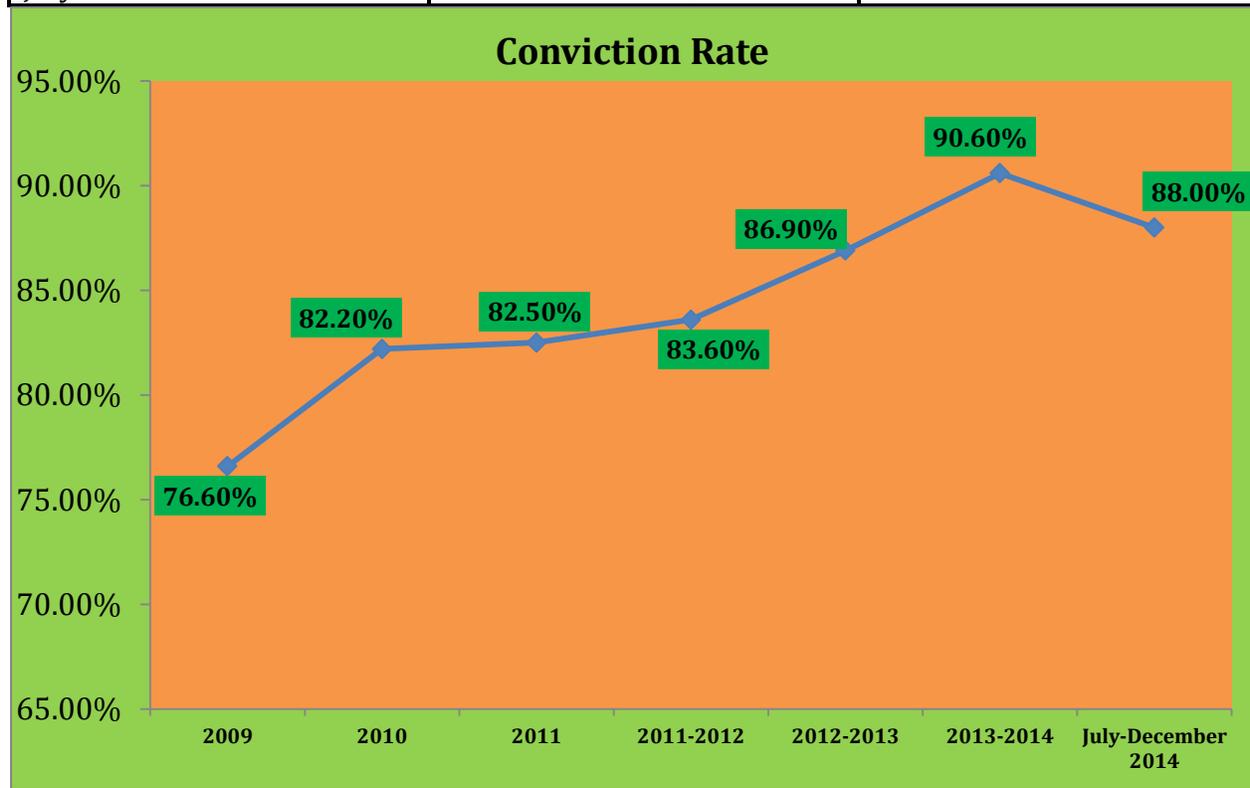
Number of Cases Pronounced	Accused Persons	Convicted	Acquitted	Sentences								
				0-1 year	1-5 years	5-10 years	10-15 years	15-20 years	15-20 years	25-30 years	Life Sentence	Fine
477	520	475	45	57	175	118	38	28	32	19	5	3

b. CONVICTION RATE (July-December 2014)

Prosecution	Number of Cases Pronounced	Accused Persons	Convicted	Acquitted	Conviction Rate
Primary Level	5015	5390	4744	646	88.01%
Intermediate Level	2613	2920	2551	369	87.36%
High Court	477	520	475	45	91.35%
Total	8105	8830	7770	1060	88.00%

c. CONVICTION RATE PROGRESSIVE CHART FROM 2009 TO DECEMBER 2014:

Year	% Convictions	% Acquittals
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
July-December 2014	88.00%	12



4.1.3. PROSECUTION OF INTERNATIONAL CRIMES INCLUDING GENOCIDE.

Between July and December 2014, several measures were taken to prosecute international crimes and track genocide fugitives in foreign countries.

- ✓ The International Crimes Department (**ICD**) was strengthened by different trainings on handling international crimes and a permanent unit composed of a Head, 8 National Prosecutors, Assistant to National Prosecutors and 2 Translators was established.

Case Files Processed and Prosecuted by the International Crimes Department:

N ^o	CASE	PROGRESS
A.	Dr Léon MUGESERA	This case is ongoing before the High Court
B.	Pasteur Jean UWINKINDI	This case is ongoing before the High Court
C.	Charles BANDORA	This case is awaiting Judgment of the High Court
D.	Bernard MUNYAGISHARI	This case is ongoing before the High Court

- ✓ In tracking genocide fugitives in other countries:
 - 85 files were fully investigated;
 - 22 indictments were drafted and transmitted;
 - 9 Rogatory commissions from France, Sweden and Norway were received and assisted;
 - Between 25 November and 06 December 2014: The Head of the Genocide Fugitives Tracking Unit travelled to England to attend an extradition hearing of five² genocide fugitive suspects.

² Those fugitives are: Charles Munyaneza; Dr Vincent Bajinya; Celestin Ugirashebuja; Emmanuel Nteziryayo and Celestin Mutabaruka.

4.1.4. PROSECUTION OF ECONOMIC AND FINANCIAL CRIMES.

Economic and financial cases processed from July to December 2014:

Pending Cases	Cases Received	Transmitted to Court	Closed	Transferred to Military Prosecution	Total Cases Handled	% of Cases Handled/Received
5	323	134	65	1	200	62%

Also in processing economic and financial crimes:

- 100% of 2013-2014 pending cases were handled;
- An assessment of all **19** mismanaged projects highlighted by the Auditor General was conducted from July to September 2014;
- Of the **19** mismanaged projects, **12** were fully investigated from October to December 2014 and **9³** files were closed with no charges filed;
- An Economic and Financial Crimes Unit (EFCU) has been created, composed of a head of the Unit and 6 prosecutors.

4.1.5. PROSECUTION OF GENDER BASED VIOLENCE (GBV) CRIMES

a. Gender Based Violence Case Files Processed:

Type of Crime	Cases Received	Transmitted to Court	Closed	Total Cases Handled	Pending	% of Cases Handled/Received
Child Defilement	1013	599	368	967	46	95.45%
Rape	177	72	82	154	23	87.00%
Domestic Offenses	378	221	117	338	40	89.41%
Total	1568	892	567	1459	109	93.04%

³ Nine files opened: MIDIMAR-NCBF, MIDIMAR-AAR, MIDIMAR-MDP, RTDA, RHA Bugesera, EASDP, A.G.I, SDP-WDA and SME.

b. DNA Samples Sent for Analysis in Germany:

Month	Number of DNA Samples Sent
July	12
August	1
September	3
October	14
November	7
December	7
Total	44

4.1.6. PROSECUTION OF TEN CRIMES MOST COMMITTED BETWEEN JULY AND DECEMBER 2014

Nº	Crime	Cases Received	Transmitted to Court	Closed	Transferred	Total Cases Handled	Pending	% of Cases Handled
1.	Drug Abuse	1984	1640	122	12	1774	210	89.42
2.	Assaults	1844	1088	289	18	1395	449	75.65
3.	Burglary	1605	1018	205	21	1244	361	77.51
4.	Child Defilement	887	438	287	2	727	160	81.96
5.	Offences related to Traffic Accidents	835	214	426	1	641	194	76.77
6.	Theft	783	396	136	17	549	234	70.11
7.	Aggravated Assaults	589	437	68	16	521	68	88.46
8.	Threats of Bodily Harm	370	188	79	4	271	99	73.24
9.	Use of Counterfeit Documents	366	182	51	3	236	130	64.48
10.	Bouncing Cheques	295	51	123	5	179	116	60.68
	Total	9558	5652	1786	99	7537	2021	78.86

4.1.7. PROSECUTION OF OTHER TWO (2) SPECIAL CRIMES:

Crime	Cases Received	Transmitted to Court	Closed	Transferred	Total Cases Handled	Pending	% of Cases Handled
Genocide Ideology	47	30	8	2	40	7	85.11
Environment Degradation	119	65	35	2	102	17	85.71

4.2. INTERNATIONAL COOPERATION

The NPPA has a duty to cooperate with other countries in the fight against criminality as determined by 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 completed to date. To fulfil this mission:

- ❖ Between 08th and 11th July and 2nd and 7th November 2014, the Prosecutor General undertook official missions to the International Criminal Tribunal for Rwanda in Arusha, Tanzania;
- ❖ Between 21st and 24th October 2014, the Prosecutor General and the Head of the GFTU attended the annual meeting of the APA⁴ held in Kinshasa where the Prosecutor General requested the participants' cooperation in tracking and arresting genocide fugitives living in their respective countries;
- ❖ Between 14th and 15th October 2014, the Head of the GFTU attended an Interpol meeting held in Lyon, France, in which strategies for tracking and arresting the remaining nine high level genocide fugitives wanted by ICTR/MICT and Rwanda were discussed.

4.3. PROTECTION AND SUPPORT TO VICTIMS AND WITNESSES

The NPPA received **1,086** complaints from victims and witnesses. Of these, **977** were successfully handled; **26** were advised how to resolve their concerns while **83** are still pending. In brief, **92.3%** of all complaints were solved.

A. Victims and Witnesses Assisted:

Victims and Witnesses Assisted			
Psychological Care/ Counselling	Medical Assistance	Transport Facilitation	Accommodation
10	4	41	135

⁴ APA: Africa Prosecutors' Association.

B. Additional Documents Collected

To improve the quality of files, different documents were collected and used as evidence as shown in the table below:

Death Certificates	Autopsy	Medical Reports	DNA
4	7	116	44

4.4. CRIMINAL RECORD CERTIFICATES ISSUED

From July to December 2014, the NPPA issued 22,108 criminal record certificates; 26,529,600 Rwandan francs were remitted into the public treasury.

In order to centralize data and deliver better services, **46,285** records of convicted and wanted persons were recorded into the database of the criminal records department. In addition, a project to issue criminal records online, in collaboration with Rwanda Online Project, was started.

Currently, the criminal records service is decentralized and records can be issued at any NPPA Intermediate Office. Such record can also be obtained from any Rwandan Embassy by Rwandans who live abroad. This has resulted in the delivery of this service in a timely and efficient manner.

4.5. OTHER ACHIEVEMENTS

4.5.1 High Council meetings:

As determined by Organic Law N° 03/2011/OL of 17/08/2011 Determining the Organization, Powers and Functioning of the High Council of the NPPA in its article 19⁵, between July and December 2014; the NPPA High Council met twice and decided to:

- ❖ Propose to the cabinet to appoint nine (8) National Prosecutors, a Head of GBV unit, a Head of the Economic and Financial Crimes Unit, nine (9) prosecutors at Intermediate Level and one prosecutor at Primary Level;
- ❖ Appoint seven (7) assistants to prosecutors;
- ❖ Propose to the Cabinet to dismiss two prosecutors because of corruption;
- ❖ Dismiss an assistant to prosecutors because of embezzlement of public funds and ;
- ❖ Approve the NPPA's 3rd Strategic Plan to be implemented until June 2018.

4.5.2. Quality and Quantity Control:

Regarding the quality and quantity control of service delivered to the public, between July and December 2014;

- ❖ Complaints from fifty three (53) people were received and sorted out by the inspectors;
- ❖ Seven hundred and three (703) letters from within and outside the country were received and responded to;
- ❖ In August 2014, the inspection of quantity and quality of all files processed by all prosecutors during 6 months (January - June 2014) was conducted. A report was produced and discussed during the NPPA General Assembly.

⁵ The High Council of the National Public Prosecution Authority shall hold its ordinary meeting once every quarter.

4.5.3. Planning, Monitoring and Evaluation:

- ❖ The 3rd Strategic Plan to be implemented from July 2013 to June 2018 was updated and approved by the NPPA High Council;
- ❖ An Operational Plan and an M&E framework (2014-2015) for all functional departments were developed and shared;
- ❖ A draft Action Plan and budget for 2015-2016 were developed. In the next financial year, 43 priority policy actions, selected from national priorities embodied in the seven years' government program, EDPRS II, Sector Strategy II and the NPPA 3rd Strategic Plan, will be focused and will cost an estimated budget of **5,418,996,757** Rwandan francs.
- ❖ Criminology reports from intermediate prosecution offices were collected, analysed and a final consolidated report produced every month.

4.5.4. Funds Entered by the NPPA into the Public Treasury

During the first semester (July-December 2014), **79,815,800** Rwandan francs paid from criminal record certificates, transactional fine and road accident files were collected and transmitted into the public treasury.

Source of Funds	Amount Collected During 6 months
Criminal Record Certificates	26,529,600
Road Accident Files	9,734,100
Transactional Fine	44,628,900
Total	80,892,600

4.5.5. Human Resource Development:

- ❖ An annual Capacity Building Plan (2014-2015) was elaborated and submitted to MINECOFIN and NCBS;
- ❖ Eleven (11) Prosecutors and Assistants completed a six months' (July-December 2014) training in DLP Courses at ILPD Nyanza;
- ❖ Twenty three (23) prosecutors, assistants and other staff are currently attending training on DLP courses as follows:
 - Five (5) at ILPD Nyanza (2nd intake);
 - Thirteen (13) in Kigali;
 - Five (5) DLP Executive Mode/Kigali.
- ❖ A list of three (3) staff who will attend DLP courses on part time basis was submitted to ILPD.

4.5.6. ICT Development:

- ❖ 100 terminals and one server to be used in N computing system were purchased and installed at the NPPA headquarter;
- ❖ The N computing system is in use since October 2014 in order to ensure the security of NPPA data;
- ❖ LAN and internet were deployed in eight (8) Primary Prosecution offices⁶;
- ❖ The implementation of Rwanda Online Project “to issue the criminal record online” started and the modalities to insert Gacaca data into criminal record software were determined.

⁶ Kacyiru, Kagarama, Gacurabwenge, Bwishyura, Muhoza, Gisenyi, Kiramuruzi and Nyagatare.

5. CONCLUSION

This report is just a snapshot of what the National Public Prosecution Authority achieved across different competences as provided for by law including: investigating offences; prosecuting criminal offences before all ordinary courts; contributing to the formulation of criminal prosecution policies and cooperating with other countries in the fight against criminality.

This semester (July - December 2014), the NPPA achieved more than what is shown in this report.

As shown above, fourteen thousand and twenty six (14,026) cases were received from the police of which ten thousand nine hundred and three cases (10,903) were handled by 161 Prosecutors in six months.

In the process of tracking genocide fugitives hosted by foreign countries, twenty two (22) indictments were drafted and transmitted and eighty five (85) cases were fully investigated.

The NPPA has decided to strengthen an international crimes department in terms of staff and logistics in order to speed up the tracking of all genocide fugitive suspects and prosecution of cases transferred to Rwanda.

In the third quarter (January - March 2015), the NPPA in collaboration with other partners, will continue to improve implementation of its duties in order to increase its contribution to the realization of EDPRS II, the seven years' government program and Vision 2020.

RICHARD Muhumuza

Prosecutor General