

VICTORIA & GRIFFITHS MXENGE BUILDING

NDPP HANDOVER REPORT JANUARY 2026



National Prosecuting Authority
South Africa



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PART **A**

CONTEXT AND STRATEGIC DIRECTION





ADVOCATE SHAMILA BATOHI

1. FOREWORD

As I conclude my term as National Director of Public Prosecutions (NDPP), I offer this handover report to support a smooth and informed transition for the incoming NDPP and senior leadership of the National Prosecuting Authority (NPA). It is intended to provide an honest and accessible account of the work undertaken since 2019, the achievements that have strengthened the institution, the challenges that remain, and the priorities that will shape the next phase of the NPA's development.

When I assumed office in early 2019, the NPA was emerging from one of the most difficult periods in its history. Years of instability, politicisation and weakened governance had left deep scars across the organisation. Public trust had eroded, specialist capability had been hollowed out, and the institution was burdened by uncertainty, fear and fragmented leadership.

Yet, despite this difficult inheritance, I found within the NPA a deep reservoir of professionalism,

dedication and resilience. Thousands of prosecutors and support staff continued to serve the public with integrity, often under intense pressure and with limited resources.

Over the past seven years, the organisation has worked steadily to restore its credibility, rebuild its internal strength and reaffirm its constitutional role. Much has been achieved. Leadership stability has returned. Ethical governance and accountability structures have been strengthened. Specialist units have been revitalised. New capabilities have been introduced as well as innovations to support case readiness, strategic planning and community-based problem solving.

Partnerships across the justice sector, with civil society, and with the private sector have been deepened. The NPA today is more stable, more focused and more confident in its mission than at any point in the past decade.



None of this has been easy. The environment in which the NPA operates has grown more complex each year. The scale and sophistication of organised crime continue to increase. Violent crime, extortion, corruption and political violence place extraordinary demands on prosecutors.

Dependencies on other institutions remain a significant constraint. The safety of prosecutors is an ongoing concern. Capacity gaps, uneven performance across Divisions, and the burden of civil litigation all continue to pose risks. Much of the progress achieved is still fragile and requires sustained leadership attention to consolidate.

As I reflect on this period, I remain convinced that the NPA's strength rests not only in its constitutional mandate but also in the values that must guide its work every day: independence, professionalism, accountability and credibility. These IPAC values have grounded the institution through difficult times and will continue to anchor it through future challenges. They are the principles that should endure, regardless of who leads or what pressures the organisation faces.

To the incoming National Director, I offer this report in the spirit of openness and institutional stewardship. You inherit an organisation that has come a long way yet still faces significant hurdles. The work ahead will require courage, clarity of purpose and a steadfast commitment to prosecutorial independence. It will also require collaboration across the justice system, thoughtful engagement with stakeholders and a leadership style that inspires trust and accountability.

You will find within the NPA many people of exceptional skill, dedication and integrity. They are the organisation's greatest strength. Support them, challenge them, and create the conditions for them to excel. The foundations laid over the past seven years provide a platform for deeper reform, stronger performance and a renewed commitment to justice for all communities in South Africa.

I wish you strength, wisdom and resolve as you take up this vital responsibility. May you lead with clarity, integrity and an unwavering commitment to the Constitution that we serve.

Advocate Shamila Batohi

NDPP: 2019–2026





2. EXECUTIVE SUMMARY

The NPA in Early 2019 Versus Early 2026

When the outgoing NDPP assumed office in 2019, the National Prosecuting Authority was emerging from one of the most difficult periods in its history. Years of state capture, politicised decision-making, weakened governance arrangements and leadership instability had eroded public trust and significantly undermined operational capability. Specialist units were depleted, internal morale was low, relationships across the criminal-justice chain were strained and performance across several priority crime categories had deteriorated.

By early 2026, while substantial challenges remain, the institution stands on markedly firmer ground. Leadership stability has been restored; internal integrity has improved; specialist capacity has been partly rebuilt; performance monitoring and strategic planning are more coherent; and the NPA's public credibility is improved. New strategic capabilities have been strengthened or emerged, including the Organised Crime Component (OCC), the Investigating Directorate against Corruption (IDAC) supported by a Digital Evidence Unit and enhanced functions relating to ethics, community prosecution and prosecutorial prioritisation. The institution's strategic direction is clearer, and the foundations for continued reform are stronger than at any point in the preceding decade.

Key Strategic Reforms and Initiatives During the 2019–2026 Term

Several major reforms define the period. First, the NPA restored prosecutorial independence and credibility through a renewed leadership cohort, enhanced ethical governance and strengthened transparency. The establishment of the Office for Ethics and Accountability (OEA), improvements in internal accountability processes, and sustained engagement with civil society and justice-sector partners contributed to restoring public trust.

Second, the NPA rebuilt specialist and operational capability. The Specialised Commercial Crime Unit (SCCU) and Sexual Offences and Community Affairs (SOCA) Unit strengthened their leadership, mandate clarity and national footprint. The Organised Crime Component was strengthened to drive implementation of the national strategy against organised crime. The IDAC was established in August 2024 to focus on state-capture and other complex corruption matters. Several Divisions pioneered innovative strategies and stakeholder-engagement models, including community prosecution, firearms-related strategies, political-killings initiatives and cross-border crime interventions.



Third, organisational modernisation advanced across several fronts, driven by efforts to strengthen core prosecutorial capability, improve internal systems and introduce more adaptive ways of working. Divisions and specialised units experimented with new operational models, refined case-flow practices and piloted approaches to improve stakeholder coordination and local problem-solving.

Capability-enhancement programmes, experiential training initiatives and leadership-development interventions contributed to stronger prosecutorial competence in complex crime and helped embed a more forward-looking, learning-oriented culture across parts of the organisation.

Fourth, strategic alignment and performance management improved. The refinement of Annual Performance Plan (APP) indicators, strengthened performance dialogues, clearer national prioritisation frameworks and more structured leadership oversight helped align operational effort with high-impact national priorities. Divisions reported improved collaboration with the South African Police Service (SAPS), Directorate for Priority Crime Investigation (DPCI) and the Special Investigating Unit (SIU), although uneven performance within these entities continues to affect the NPA's ability to deliver timely prosecutions.

Fifth, the NPA deepened partnerships across society. Collaboration with business through the Joint Initiative on Crime and Corruption (JICC), support channelled to key capabilities through Digital Forensics South Africa, structured engagements with civil society and expanded relationships with local government and community structures strengthened the NPA's operational reach and ability to address complex crime that cuts across institutional boundaries.

What Has Improved; What Remains Fragile

Significant improvements include leadership stability, stronger ethical governance, clearer strategic direction, partially rebuilt specialist capacity, improved stakeholder relationships

and modest gains in performance across several prioritised crime categories.


However, several areas remain fragile. Operational pressures persist due to vacancies, uneven skills distribution, prosecutorial overload and persistent dependencies on SAPS. Forensic delays, slow digital transformation, uneven Information and Communication Technology (ICT) infrastructure and limited cyber-crime capability continue to undermine progress. The safety of prosecutors, especially in matters involving organised crime, political killings and gang violence, remains a serious concern. Organisational morale, while improved, remains vulnerable to workload pressures and difficult working conditions.

Financial and operational independence remain incomplete. Many promising innovations are still at early stages and require institutionalisation. Sustained commitment from government, the Presidency, the Ministry of Justice and Constitutional Development, and Parliament will be necessary, to consolidate the gains made.

Top Ten Strategic Risks and Vulnerabilities Going into 2026

1. Critical vacancies, especially at top leadership level.
2. Operational and financial dependencies on the Department of Justice and Constitutional Development (DOJ&CD) and the broader Justice and Crime Prevention Security (JCPS) environment, limiting autonomy and responsiveness.
3. Insufficient specialist capacity to manage complex corruption, organised crime, cybercrime and financial crime matters at the scale required.
4. Persistent forensic, investigative and digital evidence delays that undermine case readiness and weaken prosecutorial impact.
5. Safety risks to prosecutors working on organised-crime, gang, extortion and political-killings matters.



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6. Slow progress in digital transformation, including incomplete Electronic Case Management System (ECMS) rollout, and inconsistent ICT readiness.
 7. Inconsistent implementation of national priorities across provinces, particularly in relation to community prosecution, backlog reduction and use of ECMS.
 8. The widespread use of interlocutory litigation (Stalingrad tactics) to delay or derail enrolled high-profile cases places significant strain on prosecutorial resources and exposes the NPA to reputational risk. This is a risk to the rule of law.
 9. Public expectations that outpace institutional capacity and capability, creating reputational and political exposure.
 10. Rising civil-litigation exposure, exacerbated by systemic weaknesses in the Office of the State Attorney and uneven internal compliance.

Recommendations/Considerations for the Incoming NDPP

- Prioritise the appointment of DNDPPs, a permanent full-time spokesperson and other critical vacancies.
- Advance legislative reforms to secure greater operational and financial independence.
- Conduct a focused review of high-risk organisational vulnerabilities: forensic delays, digital-evidence capacity, backlog hotspots, prosecutor safety, civil-litigation exposure and remuneration challenges.
- Confirm the status of strategic projects requiring immediate continuity, including the Organised Crime Strategy, Community Prosecution and digital-capability initiatives.
- Continue with the implementation of targeted capacity-building in complex crime, including financial investigations, cybercrime, digital-evidence handling and racketeering.
- Strengthen the implementation of prosecutor-guided investigations (PGI) by clarifying expectations with investigative partners, embedding supportive practices in high-impact matters and improving coordination between prosecutors and investigators at early stages of case development. Work in this regard has been supported by the German government.
- Enhance efforts to stop Stalingrad tactics.
- Formalise a whole-of-NPA approach to managing prosecutor safety risks. Continue engagement with the DoJ&CD and possibly at JCPS, and also at the National Efficiency Enhancement Committee, to address safety and security in the Court environment.
- Strengthen JCPS inter-agency performance protocols and indicators to ensure coherent investigation and prosecution outcomes.

Longer term:

- Consolidate modernisation efforts, including digital-evidence capacity, analytics, skills development and innovation systems.
- Build a cohesive national prosecutorial strategy informed by crime-threat analysis, prioritisation frameworks and collaboration with justice-sector partners.
- Institutionalise partnerships with business, civil society and development partners while ensuring appropriate governance safeguards.
- Embed the IPAC pillars of independence, professionalism, accountability and credibility into leadership norms and organisational culture.
- Create an Innovation and Policy support capability in the structure to boost innovation to enhance efficiency and impact.



3. INTRODUCTION AND CONTEXT

Purpose and Intended Use of the Handover Report

This handover report is designed to support a smooth and informed transition to the incoming NDPP. It provides a strategic overview of the institutional landscape at the end of the 2019–2025 leadership term, drawing together key developments, reforms, achievements, constraints and risks across the NPA.

The report is intended to preserve institutional memory, consolidate lessons learned, highlight unfinished work and provide a clear understanding of the NPA's current posture. It also sets out priority issues requiring the immediate and medium-term attention of the incoming NDPP, thereby enabling continuity of leadership and decision-making.

While not a comprehensive record of every initiative undertaken, it distils the most important insights from the past six years and presents them as a practical, strategic reference tool for the next phase of leadership. It is intended to guide the incoming NDPP, providing a foundation for engagement with internal stakeholders, government partners,

and the public. It presents recommendations or considerations for the incoming NDPP, based on work done to date and what remains to be addressed. These are not intended to be prescriptive; they ought to be regarded as a guide, in the well-intentioned spirit of this handover report.

Primary Audiences

The primary audience for this report is the incoming NDPP, who assumes leadership at a time of heightened public expectation, expanding crime complexity, and a rapidly evolving institutional and political environment.

Secondary audiences include:

- The Presidency
- The Minister of Justice and Constitutional Development
- The Director General of Justice and Constitutional Development
- Members of the NPA's Management Committee (ManCo)



Pre-2019 Context: State Capture, Institutional Damage and Leadership Instability

Before the appointment of the NDPP in early 2019, the NPA was emerging from one of the most damaging and traumatic periods in its history. The effects of state capture, political interference and leadership instability had deeply compromised the institution's internal integrity, operational capability and public legitimacy.

The pre-2019 period was marked by:

- systemic weakening of governance structures and internal controls;
- institutional politicisation, including improper interference in prosecutorial decision-making;
- reputational collapse and declining public trust;
- the hollowing out of senior leadership and specialist prosecutorial capacity;
- fractured relationships with JCPS partners;
- outdated ICT infrastructure and stagnation in innovation in the lower court system;
- absence of modernised accountability systems and mechanisms for internal oversight; and
- extremely low organisational morale, confirmed by internal surveys and qualitative assessments.

The leadership mandate at that moment required immediate stabilisation, rebuilding of internal confidence, restoration of independence and credible action to address the damage caused by years of state capture.

Overview of 2019–2025: The Repair and Rebuild Trajectory

The 2019–2025 period represents a sustained effort to repair, rebuild and modernise the NPA. This trajectory is evident in strategic planning documents (2020–2025 and 2025–2030 Strategic Plans), Annual Reports, and the NDPP's public statements and leadership initiatives over this period.

Several interconnected themes define this six-year period.

Restoring independence, credibility and leadership stability

A key priority was the restoration of prosecutorial independence and rebuilding of institutional reputation. This included stabilising senior leadership; reinforcing ethical practices; improving internal transparency; and strengthening internal accountability structures. Deepening engagement with civil society, oversight bodies and justice-sector partners also supported the rebuilding of public trust.

Rebuilding core capability and strengthening specialised units

Significant efforts were made to revive and expand prosecutorial capacity, particularly in specialised units. Key developments included revitalising the Specialised Commercial Crime Unit (SCCU), Specialised Tax Unit (STU), and Sexual Offences and Community Affairs (SOCA) Unit, growing the Organised Crime Component (OCC), establishing the Investigating Directorate against Corruption (IDAC), and enhancing the Asset Forfeiture Unit's integration with high-priority cases. Capability was further expanded through recruitment, training, and partnerships that targeted skills erosion from the pre-2019 period.

Improving performance, strategic alignment and organisational coherence

Performance management systems were strengthened through more effective planning, monitoring and reporting. The development of clearer prioritisation frameworks, improved performance dialogues (including DPP Speaks), refinement of strategic indicators and tighter leadership oversight all helped reinforce alignment between strategic priorities and operational outcomes. Enhanced strategic guidance from national leadership and improved alignment through JCPS cluster structures further strengthened coherence across units and regions.



Modernising through innovation and digital transformation

Innovation during this period focused on laying the groundwork for a more modern and responsive prosecution service, even where full implementation is still ongoing. The NPA advanced several initiatives through external partnerships and internal workstreams aimed at strengthening digital capability, developing analytical tools and improving aspects of case management. The establishment of the Digital Evidence Unit marked an important step toward building future digital-forensic capacity, while innovation pilots, skills-development activities and collaboration with technical partners helped introduce a more forward-looking mindset within parts of the organisation.

Strengthening partnerships and whole-of-system collaboration

The NPA deepened collaboration across the justice sector, including SAPS, DPCI, SIU, and Financial Intelligence Centre (FIC). Through structures such as the Joint Initiative on Crime and Corruption (JICC), it strengthened responses to infrastructure crime, extortion, cybercrime and organised criminal networks. Engagement with business, civil society and development partners supported critical reforms and resource mobilisation, including expansion of Thuthuzela Care Centres, leadership development and community-level interventions.

Enhancing governance, accountability and internal integrity

Major steps were taken to restore and institutionalise ethical governance. Audit outcomes improved; financial controls were strengthened; internal reporting was refined; and the Office for Ethics and Accountability (OEA) established a modern, credible mechanism for handling complaints and ethics matters. Internal communication improved, and leadership engagement with staff increased, contributing to a more open and cohesive organisational culture.

Positioning the NPA for the next strategic cycle

By the end of the 2019–2025 term, the NPA had established a clearer strategic posture for the coming years. The 2025–2030 Strategic Plan reflects a transition from recovery and rebuilding to sustained performance, modernisation and independence reforms. It emphasises digital transformation, organised crime disruption, enhanced prosecutorial capability, community-centred justice, improved collaboration, and the strengthening of institutional resilience.

Although substantial challenges remain, the NPA now stands on a more stable footing, with clearer strategic direction, strengthened leadership norms and a more resilient institutional architecture. The foundations laid over the past six years have restored coherence, improved internal integrity and re-established the NPA's role as a central actor in the justice system. From this more solid base, the incoming NDPP is positioned to drive the next phase of reform, deepen modernisation efforts and translate the gains of the rebuild period into more consistent, system-wide performance improvements.





4. STRATEGIC LANDSCAPE FACING THE NPA IN 2026

The incoming NDPP assumes office in February 2026 at a moment of both opportunity and strain for the NPA. After a period of institutional rebuilding and performance gains, the NPA faces an external environment marked by high levels of violent crime, evolving organised criminal markets, and intensified public scrutiny.

Internally, the organisation continues to confront structural constraints in its funding model, skills specialisation, leadership sustainability, digital systems, and inter-agency dependencies. In addition, two national processes initiated in 2025 – the Judicial Commission of Inquiry into Criminality, Political Interference and Corruption in the Criminal Justice System (the Madlanga Commission) and Parliament's Ad Hoc Committee to Investigate Allegations made by Lieutenant General Nhlanhla Mkhwanazi (Ad Hoc Committee) – will frame important parts of the prosecutorial landscape over the coming years. Their findings and recommendations are likely to influence expectations of the NPA's independence, integrity, and performance, potentially in far-reaching ways.

This section outlines the key elements of the strategic environment that the new NDPP will inherit, identifies areas of institutional strength, and highlights the systemic constraints that will require sustained leadership attention.

1. External environment

1.1 Crime patterns, organised crime and corruption

South Africa continues to experience exceptionally high levels of violent crime. Murder rates remain among the highest recorded globally for a country not experiencing armed conflict, placing extraordinary pressure on the investigative and prosecutorial chain.

Organised crime networks have diversified into cyber-enabled crime, extortion and protection rackets, construction site infiltration, illicit mining, extortion in the public transport and small business sectors, and transnational trafficking in drugs, wildlife products and people. The 2025 Global Organised Crime Index again identified South Africa as one of the continent's most criminally



affected states, with entrenched collusion between criminal networks, elements of the state, and private facilitators.

Corruption remains a systemic enabler of these markets. The 2025 National Anti-Corruption Advisory Council (NACAC) report underscored persistent vulnerabilities in procurement, policing, border management, and municipal governance, and stressed that durable anti-corruption gains depend on strengthened investigative capacity, prosecutorial prioritisation, and improved coordination across the justice system. These trends place renewed strategic importance on the NPA's specialised units and the broader capability enhancement efforts underway from 2023 onwards.

1.2 Political and governance environment

The political climate remains fluid following the 2024 elections, with coalition dynamics creating uncertainties about policy coherence and reform momentum. Governance pressures, particularly at municipal level, continue to manifest in service delivery failures, instability in senior management positions, and increased litigation against state institutions.

These factors shape both the conditions in which crime flourishes and the expectations placed on the NPA. Weak or unstable governance structures create opportunities for criminal groups to capture procurement systems, exploit regulatory gaps, and entrench themselves in local economies. Service delivery failures, poor local accountability and perceived impunity can fuel public protest, vigilantism and an increased tolerance for informal or illicit markets. At the same time, the NPA is increasingly regarded as a central line of defence against serious corruption and organised crime. This raises expectations that the NPA will compensate for weaknesses elsewhere in the system, deliver visible results against powerful networks, and act as a stabilising institutional anchor in a volatile environment.

The Madlanga Commission and the parliamentary Ad Hoc Committee have intensified focus on criminal justice governance. Allegations of political interference, criminal infiltration, and institutional dysfunction have sharpened scrutiny on the NPA's independence and effectiveness. Their eventual findings may generate new reform obligations or expectations of systemic change within the prosecutorial service.

1.3 FATF, regional and international obligations

In October 2025 the Financial Action Task Force (FATF) removed South Africa from its list of jurisdictions under increased monitoring (the "grey list"), following an on-site review that acknowledged significant progress in strengthening the country's anti-money laundering and counter-terrorist financing regime. This delisting was widely welcomed by government and the financial sector and is expected over time to support renewed investor confidence and reduce some of the risk premia associated with doing business in South Africa.

However, exit from the grey list does not mark the end of FATF-related obligations. South Africa's performance will continue to be monitored through ongoing follow-up processes and a new mutual evaluation cycle commencing in 2026. The NPA therefore remains under pressure to sustain and deepen improvements in investigating and prosecuting serious money laundering and related financial crimes, effectively using financial intelligence, and integrating asset recovery into its case strategies.

Regional and international cooperation continues to demand more consistent mutual legal assistance, timely extraditions, and improved cross-border case coordination, including in relation to state capture and grand corruption. The performance of the NPA's Investigating Directorate Against Corruption (IDAC) and Asset Forfeiture Unit will be central to South Africa's credibility in these fora.





1.4 Public expectations and media landscape

Public trust in the criminal justice system remains fragile. Communities continue to experience high levels of violent and organised crime, and there is a strong desire for visible accountability for the large-scale corruption associated with state capture.

Media and expert commentary have been sharply critical of the perceived lack of successful prosecutions against high-level state capture accused. NGOs and commentators have argued that the NPA's performance has encouraged a sense of impunity and failed to deter the spread of corruption, highlighting delays and setbacks in several high-profile matters. In 2025 public debate was further sharpened by statements from senior figures that, while progress had been made in some areas, the NPA had not yet secured convictions against major state capture players, which in turn fuelled calls for deeper reform of the NPA.

At the same time, the NPA and the Ministry of Justice have publicly defended the work of IDAC, pointing to the number of state capture investigations enrolled and cases in the pipeline, and arguing that the prosecution of complex corruption matters inevitably take time, not just in South Africa but also globally. Several high-profile trials are scheduled to run into 2026, and their outcomes will heavily influence public perceptions of the NPA's effectiveness.

The Madlanga Commission hearings may heighten expectations that the NPA will play a central role in restoring justice system integrity. Social media, investigative journalism and televised commission proceedings increasingly shape public narratives about the NPA, with both achievements, but more so failures amplified in real time.

2. Internal environment

2.1 Governance and leadership structures

The NPA has strengthened its governance architecture since 2019, including clearer reporting lines, revitalised ManCo processes, and improved oversight through the OEA. However, leadership

continuity is under significant strain. By early 2026 all three Deputy National Director of Public Prosecutions (DNDPP) positions will be vacant, and several Directors of Public Prosecutions (DPPs) are due to retire or depart within two years, creating substantial gaps at senior level. This compounds the demands on the incoming NDPP, who will need to stabilise the top structure, by engaging with the executive to have a process to quickly fill the DNDPP posts with experienced, strong, competent persons, secure credible acting arrangements where necessary, and drive accelerated yet merit-based recruitment and selection processes.

As the Madlanga Commission and the Ad Hoc Committee place additional emphasis on accountability and independence, internal governance must continue to evolve, including through stronger inspectorate capability within the OEA and clearer operational delegation frameworks that protect prosecutorial decision-making from inappropriate influence, while ensuring accountability for performance.

2.2 Human resources, skills and morale

The Aspirant Prosecutor Programme was revitalised, and overall staff numbers have increased after a period of decline, providing some relief to front-line pressures.

Skills gaps remain particularly acute in cybercrime, digital forensics, complex financial analysis, and the investigation and prosecution of complex corruption and organised crime. The NPA's capability enhancement initiative, which includes experiential learning, specialised trainings and multi-disciplinary case exercises on complex corruption and organised crime, is scheduled to run at least until the end of 2027. This provides a medium-term platform for building a more resilient skills base, but its impact will depend on sustained funding, strong leadership support, and active integration of training with live casework.

2.3 Case backlogs and workload pressures

Case backlogs remain a significant constraint, especially in high-volume offences and complex



commercial crime matters. The backlog is driven by investigative delays, limited forensic turnaround times, inadequate case preparation time, frequent postponements, and insufficient digital tools and support staff. While conviction rates have stabilised or improved in some categories, throughput pressures remain pronounced, with prosecutors carrying heavy caseloads and often dealing with incomplete or late evidence from investigative agencies. Specialised units, in particular, face increasing caseload complexity, requiring more integrated case strategy and stronger investigative partnerships to avoid further delays and struck-off matters.

2.4 Digital and information systems

The modernisation of NPA systems has progressed, including the rollout of improved ICT infrastructure, new end-user equipment and efforts to standardise digital filing practices. However, the organisation still lacks a fully integrated case management system, interoperable platforms with SAPS and DPCI, and consistent protocols for handling digital evidence. These gaps constrain management oversight, hamper performance monitoring, and increase the risk of evidence-related failures in complex cases.

3. Implications of the Madlanga Commission and the Ad Hoc Committee

Both the Madlanga Commission and the Ad Hoc Committee arise from allegations of corruption, interference and criminal collusion within the criminal justice system, and both have important implications for the NPA.

First, they may identify instances of wrongdoing, interference or collusion involving current or former NPA officials. The incoming NDPP will need to manage any resulting disciplinary, criminal or structural responses, while protecting fair process and institutional stability.

Second, they may recommend changes to appointment processes, leadership tenure, and safeguards for prosecutorial independence. Recommendations may include formalising aspects

of the IDAC, strengthening the NDPP appointment process, or revisiting the relationship between the NPA and the executive, building on proposals already surfaced in the NPA's own proposals to the Zondo Commission, to the executive and the 2025 NACAC Close Out report.

Third, they may propose improved coordination mechanisms among SAPS, DPCI, intelligence agencies and the NPA, including better transversal performance indicators and shared planning platforms. This may reinforce the need for more integrated case strategies and joint prioritisation processes across the justice system.

Fourth, the processes will increase demand for transparency, data reporting and public accounting by the NPA, including more regular reporting on priority crime categories, state capture cases and complex corruption matters. The NPA will need to strike a careful balance between protecting the integrity of investigations and trials, and providing sufficient information to maintain public confidence.


Finally, these inquiries may catalyse public, political and international pressure for deeper institutional reform, including enhanced security vetting, lifestyle audits, better whistle-blower protection, and stronger internal integrity systems within the NPA. The new NDPP will need to be ready to respond quickly and credibly to their recommendations.

4. NPA strengths to build on

Despite the complexities of the environment, the NPA enters 2026 with several important strengths that the incoming NDPP can build upon.

- *A revitalised leadership culture focused on independence, performance and accountability:* Since 2019, the NPA has taken deliberate steps to rebuild its institutional culture, emphasising constitutional independence, ethical leadership and performance orientation. This is reflected in public commitments by the NDPP and senior leadership, improved engagement with staff, and a willingness to confront historical weaknesses within the organisation.



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- *Specialised units with significant experience in complex organised crime, corruption and financial crime:* Units such as IDAC, AFU, SCCU and other specialised components have developed considerable expertise in complex matters. They have led major corruption, organised crime and asset recovery cases, and are central to South Africa's response to state capture and related criminality.
 - *Improved collaboration platforms across the justice and security cluster:* Collaborative structures such as the Fusion Centre, inter-agency task teams and improved coordination arrangements with SAPS, DPCI and financial intelligence institutions provide a foundation for more integrated responses to complex crime. The community prosecution initiative, the Thuthuzela Care Centre network and other partnerships also demonstrate the NPA's capacity to work across institutional boundaries.
 - *A growing pipeline of new prosecutors and enhanced organisational learning:* The revitalisation of the aspirant prosecutor programme and targeted recruitment have begun to address historical staffing deficits. Combined with the capability enhancement initiative – including experiential learning and joint training on complex corruption and organised crime – this creates an opportunity to shape a new cohort of prosecutors with stronger technical skills and a shared institutional ethos.
 - *Stronger engagement with civil society and private sector partners:* The NPA has made progress in building structured relationships with civil society organisations and parts of the private sector, including through regular roundtables, case-related cooperation and information-sharing, and the Joint Initiative on Crime and Corruption (JICC). These relationships help surface information on complex criminal phenomena, support victim-centred approaches, and mobilise complementary technical capabilities.
 - *Renewed public communication and transparency initiatives:* The NPA has improved its public

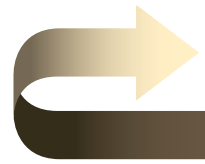
communication, including more regular media briefings, public reporting and participation in public forums. This provides a basis for deepening transparency, explaining complex cases, and managing public expectations more effectively. That said, the lack of a permanent spokesperson for the NDPP has been a challenge. The new NDPP should attend to this appointment as a matter of urgency.

- *Dedicated prosecutors and generally high staff morale:* The NDPP in her visits across the country in the second half of 2025, was inspired by the dedication and commitment of staff and, generally, encouragingly high levels of staff morale.

5. Systemic constraints requiring sustained attention

Several persistent constraints will require decisive and sustained leadership action from the incoming NDPP. Many of these have been highlighted elsewhere in this handover report, in the 2025 NACAC report, and in other analyses of the justice system.

- *Financial and operational independence.* The NPA remains dependent on the broader public service funding framework, with limited control over its budget and conditions of service. This undermines its ability to operate efficiently, and complicates efforts to attract scarce skills. Multiple reviews, including NACAC and other expert assessments, have recommended a revised funding model, and stronger safeguards against undue interference.
- *Investigative dependencies and transversal performance gaps.* The NPA's ability to deliver successful prosecutions depends heavily on the investigative quality and capacity of SAPS, DPCI and other agencies. Persistent weaknesses in investigations, forensic services and intelligence support contribute directly to delays, withdrawals and struck-off matters. While transversal initiatives and the development of joint performance indicators are under way,



they will need to be significantly strengthened, with clearer shared targets, better data and stronger accountability across the justice chain.

- *Workforce profile, remuneration and professional development.* The broader public sector remuneration framework hampers the ability to attract highly skilled professionals. Skills shortages in key areas and the time required to develop staff limit the NPA's ability to respond to complex crime patterns. The capability enhancement initiative offers a pathway to address some of these gaps, but it must be institutionalised, adequately resourced and linked to career paths and performance management.
- *Integrity risks and accountability architecture.* The NPA's credibility depends on demonstrable integrity at all levels. Historic and recent allegations of political interference underscore the need for robust internal controls. This includes an effective inspectorate function within the OEA, strengthened security vetting and lifestyle audits, clear rules on conflicts of interest, and safe channels for whistleblowing. Implementing the relevant recommendations from these processes, alongside those of the State Capture Commission and NACAC, will be essential to restore and maintain public trust.

- *Institutional resilience and leadership succession.* The vacancies at DNDPP and (impending) DPP level pose a serious risk to institutional continuity, strategic direction and operational oversight. Addressing these gaps through timely, transparent and merit-based appointments will be a critical early test for the new NDPP. More broadly, the NPA needs a deliberate approach to leadership development and succession planning, so that key functions are not repeatedly left vulnerable to acting arrangements and abrupt departures.
- *Infrastructure and digital systems.* Without a modern, integrated case management system and interoperable digital platforms with SAPS, DPCI, and the courts, the NPA cannot fully meet the demands of contemporary crime. Fragmented systems impede performance monitoring, hinder strategic prioritisation, and increase the risk of evidence-related failures. Digital transformation requires both capital investment and robust change management within the organisation.

Addressing these constraints will be central to achieving the NPA's strategic objectives, meeting public expectations and sustaining the gains already made since 2019. The work of the Madlanga Commission, the parliamentary Ad Hoc Committee and NACAC will add both urgency and specificity to this agenda, providing the incoming NDPP with a powerful, if demanding, reform mandate.







PART **B**

CORE ONDPP
STRATEGIC INITIATIVES





5. OPERATIONAL AND FINANCIAL INDEPENDENCE

1. Why Independence Matters

A credible and effective prosecuting authority depends on its ability to act “without fear, favour or prejudice”, as required by section 179(4) of the Constitution. This is not merely a constitutional formality. South Africa’s experience during the State Capture era demonstrated how vulnerable the NPA can be when its leadership is destabilised, when its organisational autonomy is weakened, and when political or administrative leverage is available to those intent on influencing prosecutorial outcomes.

The State Capture (Zondo) Commission’s recommendations underscored the need to strengthen the institutional independence of the NPA, both to prevent future capture and to rebuild public trust in the criminal justice system. Public confidence in the NPA remains fragile. Afrobarometer surveys show declining trust in institutions linked to law enforcement; analysts and civil society observers have repeatedly noted that

meaningful independence – not just the absence of interference – is the precondition for reversing this trend.

Against this backdrop, enhancing the NPA’s operational and financial independence was one of the NDPP’s key strategic priorities from 2019 to 2025. The priority was shaped by three drivers:

- the constitutional imperative for independence;
- the structural vulnerabilities inherited from the NPA’s establishment; and
- the need to align South Africa with global norms for prosecutorial bodies.

The journey to strengthen the NPA’s financial and operational independence has been long, uneven and politically complex. Progress was made during this term, but critical reforms remain unfinished and require urgent attention from the incoming NDPP.



2. The Long Journey: A 25-Year Effort to Secure Financial and Operational Independence

2.1 Early warnings (2002–2008)

Within four years of the NPA's establishment, the Auditor-General (AG) repeatedly flagged the inherent weaknesses of a prosecuting authority whose accounting officer is the Director-General of the Department of Justice and Constitutional Development (DOJ&CD). The AG warned that this arrangement:

- created uncertainty and duplication in financial and HR functions;
- compromised good governance;
- limited the NPA's ability to manage its own resources; and
- was fundamentally inconsistent with the independence expected of a prosecuting authority.

These concerns were echoed by SCOPA and the Portfolio Committee on Justice throughout the mid-2000s. By 2008, Parliament was urging that the issue be resolved “as a matter of urgency”. No reforms followed.

2.2 Attempts at legislative reform (2009–2014)

Several Ministers of Justice considered, and in some cases drafted, amendments that would “delink the NPA from the Department from an administrative point of view.” Draft Bills prepared under Minister Jeff Radebe proposed:

- the appointment of a CEO as accounting officer of the NPA;
- amendments to section 36 of the NPA Act; and
- listing the NPA as its own entity under the PFMA.

However, political turnover, leadership instability in the NPA, and competing priorities meant that none of these proposals reached Parliament.

2.3 State Capture and the collapse of institutional independence (2014–2018)

During the years preceding 2018, the NPA's structural vulnerabilities were exploited. Politicised appointments, leadership removals (e.g., Pikoli, Nxasana), and executive interference in prosecutorial decisions highlighted how deeply exposed the NPA was when its institutional safeguards were weak.

The NDPP's affidavit to the Zondo Commission (2020) documented these risks extensively, emphasising the need for a reconstituted appointment process for the NDPP and senior prosecutors, as well as legislative reforms to protect the NPA from undue influence.

2.4 Renewed momentum (2019–2025)


Upon assuming office, the NDPP initiated a comprehensive review of the NPA's legal framework and independence. This process, supported by extensive ministerial engagement and detailed legal analysis, confirmed that while the NPA was functioning without executive interference, it remained structurally vulnerable due to outdated legislative arrangements.

Legislative reform nevertheless stalled. A Task Team envisaged by the Ministry did not materialise, and the DOJ&CD's review of the national anti-corruption architecture was not formally presented to the NPA despite its direct relevance to the comprehensive review envisioned. In 2023 and 2024 Parliamentary Committees expressed concern and called for legislation strengthening the NPA's independence to be tabled by January 2025.

Importantly, in 2024 Minister Lamola publicly committed to tabling legislation on NPA operational and financial independence before the end of the 2024/25 financial year, which did not materialise.

The President and the current Minister of Justice and Constitutional Development, Ms M Kubayi have publicly acknowledged the need to strengthen the NPA's independence and to prioritise enabling legislation by the end of the current financial year.





3. The Core Problems Undermining Financial and Operational Independence

3.1 Structural weaknesses: The accounting officer problem

The DG: Justice is the NPA's accounting officer in terms of section 36 of the NPA Act and the PFMA.

This results in:

- lack of autonomous financial management; including procurement, contracting, and resource allocation;
- dependence on key DOJ&CD corporate services (i.e. strategic planning, auditing, performance management, and security)
- duplication and inefficiency; and
- a structural hierarchy where the prosecuting authority is subordinate to an executive department.

For a period of approximately 20 years, the AG, various parliamentary committees and the NPA itself have regarded the current financial accountability and status of the NPA, in terms of which the DG: Justice is the accounting officer of the NPA, as extremely unsatisfactory. Despite this most unsatisfactory state of affairs, no Justice Minister has satisfactorily addressed these concerns to date. However, as mentioned above, there is a commitment by the current Minister of Justice to address this matter.

3.2 Operational constraints linked to reliance on delegations

Because the NPA is not a listed entity in the PFMA, it relies on delegations from the Minister for critical HR functions. As a result, key operational decisions remain outside the NDPP's control. These include:

- creating and filling posts;
- organisational design;
- recruitment and promotion;
- disciplinary processes; and
- remuneration policies.

Although some powers are delegated to NPA officials, these delegations are revocable by the Minister or DG at any time – creating instability and limiting long-term planning.

3.3 Ministerial powers

The Minister has authority in terms of the NPA Act over:

- Human Resource management matters;
- appointing DDPPs;
- approving acting DPP appointments.

3.4 Perceived independence and public trust

Operational realities and historical experiences continue to shape how the NPA is perceived. Without structural independence, the public's trust remains vulnerable – especially when the NPA pursues politically sensitive corruption cases.

4. What Operational and Financial Independence Requires

4.1 Financial independence

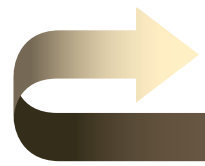
Legislative reform must:

- Amend section 36 of the NPA Act to establish the NDPP or a newly created NPA CEO as accounting officer.
- Amend the PFMA to list the NPA as a standalone entity (e.g., Schedule 3).
- Provide the NPA with direct budget allocation.
- Enable the NPA to manage its own:
 - procurement;
 - internal audit and risk management;
 - resource allocation;
 - asset management; and
 - financial reporting, amongst others.

4.2 Operational independence

Operational independence requires amendments to the PFMA and the NPA Act to ensure:

- the NDPP (or NPA CEO) has full authority over HR matters;



- the NPA controls its organisational structure; and
- post creation/filling.

4.3 Appointment processes for NPA leadership

Reform of appointment processes is essential for ensuring leadership stability and public confidence.

Government has not yet implemented its commitment to a statutorily entrenched transparent and open appointment process for the NDPP. There has been an extended delay in amending the NPA Act to clarify this process.

Drawing on the NDPP's affidavit to the Zondo Commission:

- Section 10 (NDPP appointments) should be amended to provide for a transparent, multi-stakeholder advisory panel.
- Sections 11 and 13 (DNDPP and DPP appointments) should adopt similar processes.
- Section 15 should be amended so that the NDPP appoints DDPPs, ending executive control over these posts.

Such reforms align with Constitutional Court jurisprudence on prosecutorial independence and the need for appointment processes that guard against undue influence.

The legislative framework should also provide for clear, proportionate disciplinary processes for DNDPPs and DPPs short of removal from office. At present, the NDPP's ability to address misconduct, incapacity or persistent under-performance at senior levels is largely binary – limited to informal managerial engagement on the one hand, or the initiation of a section 12(6) inquiry on the other. The latter is an extreme, public and politically sensitive mechanism that is ill-suited to addressing a wide range of disciplinary and performance-related issues.

A strengthened, transparent appointment process should therefore be complemented by statutory authority for the NDPP to institute graduated

disciplinary measures in respect of DNDPPs and DPPs, subject to procedural fairness and appropriate safeguards. Such measures could include formal performance management interventions, written warnings and internal disciplinary proceedings, with section 12(6) inquiries reserved for the most serious cases. This would enhance accountability and institutional stability while preserving prosecutorial independence and avoiding undue executive involvement.


4.4 Removal of the NDPP from office

An equally critical component of prosecutorial independence is the mechanism for the removal of the NDPP. Under the current legal framework, the NDPP may be removed from office following a finding by Parliament adopted by a simple majority. This threshold stands in sharp contrast to the protections afforded to the heads of Chapter 9 institutions, whose removal requires a supporting vote of at least two-thirds of the National Assembly.

South Africa's experience has demonstrated that the vulnerability of the NDPP lies not only in appointment processes, but also in the ease with which removal proceedings can be initiated and concluded. The removals of previous NDPPs illustrated how political dynamics, rather than clear and sustained findings of incapacity, misconduct or incompetence, can destabilise prosecutorial leadership. The mere prospect of removal by a simple majority creates a latent pressure that is inconsistent with the constitutional requirement that the prosecuting authority act without fear, favour or prejudice.

There is a compelling case for aligning the removal threshold of the NDPP with that applicable to Chapter 9 institution heads. Requiring a two-thirds majority of Parliament for removal would not shield the NDPP from accountability but would ensure that removal is reserved for genuinely exceptional circumstances supported by broad political consensus. Such a reform would materially strengthen institutional stability, reinforce public confidence in prosecutorial independence, and





reduce the risk of removal mechanisms being used, or perceived to be used, as tools of political leverage.

Amending the NPA Act to require a two-thirds parliamentary majority for the removal of the NDPP, aligning, in this regard, with the requirement for Heads of Chapter 9 institutions, would therefore be an important and proportionate safeguard, consistent with constitutional values, comparative international practice, and the lessons of South Africa's own recent history.

4.5 Independent salary dispensation and skills retention

A critical but under-addressed aspect of operational independence is remuneration. Several issues regarding the remuneration of prosecutors have been addressed in the last few years. However, the NPA faces a challenge in that remuneration in terms of the NPA Act (starting with the NDPP) needs to be adjusted to ensure comparability across law enforcement agencies and to attract candidates for top leadership positions that have the necessary management skills, legal experience and expertise. The NDPP's salary is determined by the President in terms of section 17(1) of the NPA Act. Once determined, this will have a consequential (ripple) effect on the remuneration of DNDPPs and DPPs. The need to reconsider the NDPP's salary has been brought to the attention of the current Minister of Justice. Such review is also required to ensure that the salaries of DNDPPs and DPPs are adjusted accordingly to avoid an undesired situation where DDPPs receive increases in terms of the PSA Act and their salaries thus surpass those of DPPs, appointed in terms of the NPA Act.

The NPA largely remains bound to public service salary prescripts that significantly constrain its ability to recruit and retain experienced prosecutors, forensic specialists, financial analysts and cybercrime experts. These constraints directly affect the institution's capacity to prosecute complex corruption and organised crime matters.

The challenge is particularly acute within specialised environments such as IDAC, where the NPA competes directly with the private sector and other organs of state for scarce and highly marketable skills. In the absence of competitive remuneration, the NPA faces ongoing attrition risks and reliance on external consultants and short-term arrangements.

Comparable institutions such as the South African Revenue Service (SARS) and the Special Investigating Unit (SIU) operate under bespoke salary dispensations that permit remuneration to be pegged outside standard public service frameworks in order to attract and retain specialised expertise. There is a compelling case for the NPA to be afforded similar flexibility through legislative and regulatory reform. An independent salary dispensation, subject to appropriate fiscal oversight and accountability mechanisms, would strengthen prosecutorial capability, enhance institutional resilience and reinforce the NPA's operational independence.

5. Reform Options and Required Legislative Amendments

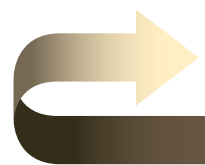
5.1 Constitutional amendments

While not strictly required for financial and operational independence, constitutional amendments may be necessary to clarify and strengthen the independence of the prosecuting authority under section 179. Any constitutional review of section 179 should also consider whether the security of tenure of the NDPP is adequately protected against politically contingent removal, having regard to the higher thresholds applicable to Chapter 9 institutions.

5.2 Amendments to the NPA Act

Priority amendments include:

- Section 10 — appointment of NDPP
- Section 11 — appointment of DNDPPs



- Section 12 — removal of the NDPP, including raising the parliamentary threshold for removal to a two-thirds majority of the National Assembly
- Section 13 — appointment of DPPs
- Section 15 — appointment of DDPPs
- Section 22 — organisational functioning
- Section 36 — accounting officer and financial management

5.3 PFMA amendments

The PFMA must be amended to list the NPA as its own entity with its own accounting officer. Once this occurs, relevant powers and authority can be vested appropriately within the NPA.

6. Recommendations/Considerations for the Incoming NDPP

- Resume discussions with the Minister to table legislation to bring about effective NPA operational and financial independence, including reforms to the appointment and removal framework for the NDPP, in line with Cabinet's response to Zondo Commission recommendations
- A key early task will be to support and engage the Minister on her public commitment to table enabling legislation. This commitment should be commended, but it will be important to ensure that the associated timelines are met, given the long-standing urgency of these reforms.
- Revive the NPA Amendment Bill, integrating the proposals developed since 2012 and refined during 2019–2025.
- Secure permanent, non-revocable delegations as an interim measure.
- Engage Parliament's Justice Committee proactively.
- Coordinate with civil society to build consensus on reform options.

A further consideration is that the reform agenda outlined in this section is foundational to the successful functioning of the IDAC. IDAC's ability to recruit and retain specialised investigators and analysts, to secure the technical resources needed for complex corruption cases and to operate with clarity of mandate and authority depends on the NPA achieving full operational and financial independence. These broader reforms therefore serve as an essential enabling framework for IDAC's long-term effectiveness.



7. Conclusion: The Unfinished Work

The NPA's operational and financial independence is not an abstract ideal. It is the foundation on which a credible, effective prosecutorial authority is built. Without it:

- the risks of undue influence persist,
- public trust cannot fully be restored,
- and the NPA will remain structurally disadvantaged in fulfilling its constitutional mandate.

The NDPP's term from 2019 to 2025 achieved important steps: comprehensive legal analysis, sustained ministerial engagement, public advocacy, and the development of viable legislative options. But the decisive reforms remain incomplete.

For the incoming NDPP, this is one of the most important areas of "unfinished business" – essential for the NPA's future credibility, and for the country's ability to prevent future State Capture.





6. OFFICE FOR ETHICS AND ACCOUNTABILITY

1. Background and Rationale

Rebuilding integrity inside the NPA has been a central reform theme since 2019, and features prominently across our Annual Reports and Strategic Plans. These commitments sit alongside broader reforms described elsewhere in this Handover Report, including operational and financial independence, the strengthening of IDAC, the Capability Enhancement Initiative, improved case prioritisation and the roll-out of prosecutor-guided investigations (PGI). Together, they form a systemic integrity and performance framework.

Within this broader context, the Office for Ethics and Accountability (OEA) was established in November 2023, replacing the former Integrity Management Unit (IMU). Annual Reports from 2020 to 2023 highlighted the IMU's credibility challenges, absence of a legislative basis, limited feedback to complainants, and inability to support the NPA's integrity agenda during and after the State Capture period. The OEA Regulations provide, for the first time, a statutory mandate for internal accountability, ethics management, and service delivery oversight.

The OEA is situated in the Office of the NDPP and headed by a Special Director of Public Prosecutions. Its purpose is aligned to the NPA's strategic outcomes on integrity, ethics, governance, and improved organisational performance. Importantly, the OEA's mandate includes not only managing complaints but also monitoring, inspecting and improving service delivery across the NPA.

2. What the Establishment of the OEA Achieves

2.1 A legislated and independent internal accountability mechanism

The OEA Regulations set out clear powers, reporting obligations, and complaint-handling procedures. This provides a level of institutional certainty that was absent under the IMU and supports the NPA's overall governance reforms.

2.2 Alignment with the NPA's strategic planning and Zondo-related reforms

The NPA Strategic Plan (2020–2025) emphasises ethical leadership, internal accountability, culture change, and improved public trust. The OEA delivers directly on these outcomes and represents a concrete response to State Capture.

2.3 A trusted and accessible complaints mechanism

The outsourcing of a complaints' hotline to a vetted service provider and the requirement to provide outcomes to complainants address historical gaps in the NPA's integrity infrastructure.

2.4 An expanded mandate that includes systemic inspection

Regulations empower the OEA to perform service delivery inspections – a function analogous to inspectorates in advanced prosecution services.

3. Outstanding Work to Fully Operationalise the OEA

3.1 Building the inspectorate function for service delivery improvement

The inspectorate function remains the most underdeveloped component of the OEA's mandate. Yet it is crucial for identifying systemic weaknesses in prosecutions and NPA service delivery.

An effective inspectorate should:

- conduct thematic, provincial and office-level inspections;
- evaluate compliance with directives and service delivery norms (including the under-development Service Delivery Charter);
- identify bottlenecks affecting case flow, court-readiness, and prioritised matters;
- propose remedial actions and follow up on implementation; and
- produce periodic, organisation-wide assessments.



3.2 Balancing high-volume complaints with systemic reform

The OEA has managed a steep increase in complaints compared to IMU caseloads. This trend demonstrates rising trust in the mechanism, but also risks overwhelming the unit unless additional capacity, triaging processes, and digital workflow systems are developed.

3.3 Fixing the referral mechanism for Presidential appointees

Regulations oblige the OEA to escalate any complaint against an NDPP, DNDPP or DPP to the President via the Minister. This has resulted in numerous frivolous or politically motivated complaints being transmitted to the Presidency. This regulatory anomaly undermines credibility and distracts from substantive oversight. Reform is needed, aligned with the broader discussion of institutional independence and governance.

3.4 Strengthening coordination with Labour Relations and HR

The OEA cannot handle labour grievances or misconduct appeals, but many ethics or service delivery complaints intersect with HR processes. Clearer boundaries and joint workflows are necessary, consistent with wider efforts at improving organisational capability, performance management, and consequence management.

3.5 Completing staffing and achieving leadership stability

Recruitment remains ongoing, with vetting requirements slowing placement. This needs to be addressed in the broader HR and budget planning reforms.

4. Recommendations/Considerations for the Incoming NDPP

- Establish and operationalise an inspectorate framework for the OEA.
- Ensure adequate staffing, digital systems and investigative capacity within the OEA to manage both complaints and inspections.

- Initiate amendments to OEA Regulation 17 to introduce a filtering mechanism for unfounded complaints involving Presidential appointees.
- Strengthen coordination between OEA investigations, Labour Relations, and Regional Heads to ensure consistent consequence management.
- Expand ethics training, induction and awareness efforts, integrated with broader organisational culture reforms.
- Require regular OEA reporting to EXCO on complaints, inspections, service delivery findings, and trends relevant to PGI, prioritisation and regional performance.
- Strengthen protective measures for whistleblowers and staff, in line with Office for Witness Protection (OWP) protocols and emerging risks to NPA personnel.



5. Conclusion

The OEA forms a foundational pillar of the NPA's integrity and governance architecture. Its early work indicates growing accessibility and trust, but the next phase requires deeper institutional consolidation: operationalising the inspectorate, strengthening investigative capacity, and refining regulatory frameworks. When fully implemented, the OEA will help drive systemic service delivery improvements, strengthen ethical conduct across the NPA, and reinforce public confidence in the prosecutorial service.





7. PUBLIC-PRIVATE PARTNERSHIPS AND EXTERNAL COLLABORATION

1. Background and Strategic Importance

Public-private partnerships have become increasingly important in the criminal justice system, driven by the complexity of modern crime, the scale of economic sabotage and corruption, and the reality that the private sector often holds information, systems and expertise essential to understanding criminal threats. For the NPA, partnerships – when properly governed – can strengthen investigative readiness, support priority prosecutions, enhance victim services and reinforce community-level safety interventions.

Such partnerships must always operate within firm guardrails that preserve prosecutorial independence, ensure transparency and uphold constitutional principles. When structured and governed appropriately, they complement internal capacity, reduce systemic bottlenecks and advance the NPA's broader strategic objectives.

2. The Joint Initiative to Combat Crime and Corruption (JICC)

The Joint Initiative to Combat Crime and Corruption (JICC), in the context of the Presidential initiative, is the most structured platform for collaboration between business, government and law-enforcement agencies. It aims to strengthen analytical insight, improve operational coordination and support targeted interventions across key areas of criminal activity.

2.1 Nature and scope of JICC work

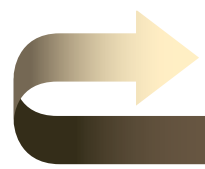
JICC operates through thematic workstreams that focus on infrastructure crime, extortion and construction-sector violence, copper theft, cyber-enabled criminality and corruption within high-risk sectors. These streams draw on private-sector data, analytical capability and operational insight to help law-enforcement bodies better understand criminal networks, systemic enablers and financial flows.

2.2 Implications for the NPA

JICC offers the NPA several operational benefits, including:

- enhanced access to analytical products relevant to priority investigations;
- stronger multi-agency alignment through PGI and IDAC's Prosecution – Led Investigation (PLI) model;
- early identification of cases suitable for prioritisation;
- improved AFU engagement through insights into financial flows; and
- more coordinated responses with SAPS and DPCI in organised crime matters.

These contributions have already supported improvements in cases involving extortion, infrastructure crime, procurement corruption and cyber-enabled criminality.



2.3 Governance, independence safeguards and reputational considerations

The NPA's involvement in JICC must comply with constitutional and evidentiary requirements. Private-sector participation may not influence prosecutorial discretion, case selection or decision-making. Engagement protocols, oversight and regular review mechanisms remain essential to maintain public trust.

3. Digital Evidence Unit (DEU) and Technical Support

The DEU is one of the most important capability-building initiatives underway that stands to be a gamechanger to support the work of the IDAC. Digital evidence is central to modern investigations, yet historically the NPA has had limited in-house digital-forensic capacity.

3.1 Purpose and strategic value

The DEU is designed to enhance the NPA's capacity to lawfully collect, preserve and analyse digital material; integrate digital evidence early in investigative planning; manage high-volume electronic datasets; and strengthen evidentiary readiness for court proceedings. Its initial focus is on supporting IDAC, allowing systems and governance frameworks to be tested before any broader mandate is considered.

3.2 Current status and initial operating model

Although not yet officially launched, the DEU is already operational, an MOU with the NPA has been signed, and has supported IDAC in several priority matters. As of August 2025:

- Digital Forensics South Africa (DFSAs), the nonprofit governance entity, was fully established.
- Section 18A donor status was secured.
- Standard operating procedures were completed in June 2025.
- Eight staff were under contract, with further recruitment underway.

- Specialised tools and technical infrastructure have been delivered.

The DEU continues to refine workflows with IDAC and is preparing for a formal launch once its governance, security and evidentiary systems are fully stabilised. The plan is for the DEU, once fully established, to be expanded to support the SAPS and other entities in government in the longer term.

3.3 Governance: The DFSA firewall

A defining feature of the DEU is its governance model. Digital Forensics South Africa (DFSAs) serves as an institutional firewall between donors and prosecutorial decision-making. DFSA is a nonprofit company with a highly qualified board that receives donations, approves budgets, ensures operational integrity and prevents any donor from influencing casework. This governance structure insulates the NPA from external influence, protects prosecutorial independence and reflects international best practice for high-risk corruption and organised-crime environments.

3.4 Long-term sustainability

DFSAs funding covers DEU operations through 2029. For 2030 and beyond, two options exist: transfer the DEU to the State, with possible support from CARA funding, or continue operation through DFSAs with any additional services procured under normal public-procurement rules. The first option should be the goal.

4. Private-Sector Support for SOCA and Thuthuzela Care Centres (TCCs)

The SOCA Unit and the Thuthuzela Care Centre (TCC) network have long benefited from structured partnerships with private entities and philanthropic organisations. These partnerships have provided:

- infrastructure upgrades, buildings and equipment to the TCCs;
- operational resources;
- training materials and specialised support services;



- enhanced victim-support capability; and
- integration of medical, psycho-social and legal assistance within the TCC model.

These contributions have helped SOCA and the TCCs maintain a survivor-centred approach and respond to rising demand for their services. They also complement the NPA's broader commitments to victim support and community engagement, including under the NPA's Community Prosecution Initiative.

5. Engagement with BACSA and BLSA

Business Against Crime South Africa (BACSA) and Business Leadership South Africa (BLSA) have played increasingly active roles in supporting criminal justice system improvements, through in-kind support.

For the NPA, engagement with BACSA and BLSA has contributed to:

- dialogue on operational challenges and potential solutions;
- analytical support in specific crime categories;
- links to private-sector experts in cybersecurity, infrastructure, technology and data analysis; and
- coordinated efforts to address extortion, corruption and organised crime risks affecting strategic economic sectors.

These engagements must be carefully structured to protect independence and ensure that operational decisions remain within the NPA's exclusive constitutional mandate.

6. Civil-Society Partnerships and Community-Led Initiatives

Civil-society organisations are central partners in strengthening the legitimacy, responsiveness and community presence of the NPA. They provide insight into local crime dynamics, support victim services, contribute to justice-system monitoring and offer community-based interventions that complement prosecutorial strategy. These partnerships broaden the NPA's reach, support

problem-oriented prosecution approaches and help ensure that justice interventions are grounded in the lived experiences of affected communities.

Civil-society collaboration also contributes to accountability and transparency. Engagement with NGOs, community networks, academic institutions and advocacy organisations helps the NPA identify systemic bottlenecks, understand the impacts of crime on communities, and refine policies and practices in areas such as GBVF, trafficking, corruption, environmental crime and youth justice. These partnerships strengthen links between formal justice institutions and community structures, helping rebuild trust in a system still recovering from the effects of state capture and longstanding service-delivery failures. They also assist in cementing support for necessary reforms to enhance the NPA's independence.

6.1 Community Prosecution Initiative (CPI)

Civil-society organisations play an essential role in the NPA's Community Prosecution Initiative. CPI focuses on problem-solving and prevention by working with communities to identify local crime drivers, hotspots and systemic risks. Civil-society partners assist in:

- community mobilisation and awareness campaigns;
- mapping of local crime patterns and priority areas;
- identifying vulnerable groups and referral pathways;
- supporting victim services and local safety networks; and
- fostering accountability between state institutions and community structures.

These contributions ensure that CPI is embedded in community realities and can respond to specific challenges such as extortion, informal-settlement safety issues, youth vulnerability, gang activity and GBVF. Civil-society insight often provides early warning signals that strengthen prosecutorial strategies and enable more effective coordination with SAPS, local government and social services.



6.2 NPA Civil-Society Roundtables

The NPA's regular Civil-Society Roundtables have developed into an important institutional mechanism for structured engagement, transparency and collaborative problem-solving. These Roundtables bring together organisations working in areas such as policing oversight, GBVF, human trafficking, corruption, environmental crime, cyber safety, youth justice and victims' rights.

The Roundtables provide a platform to:

- strengthen accountability and enable the NPA to explain its constraints, priorities and decision-making;
- identify systemic issues and bottlenecks affecting case flows and victim experiences;
- support policy refinement and co-development of interventions;
- facilitate two-way communication between the NPA and organisations working closely with affected communities; and
- build trust in the criminal justice system by providing a regular forum for dialogue and feedback.

These Roundtables serve as a model for constructive state-civil society collaboration in the justice sector. They help ensure that prosecutorial priorities remain responsive to societal needs and that victims and vulnerable groups have a voice in the justice system.

7. Recommendations/Considerations for the Incoming NDPP

- Ensure requisite governance mechanisms for all partnerships to ensure transparency, accountability and institutional independence.
- Oversee the maturation and formal launch of the DEU, ensuring systems, SOPs and governance safeguards are fully operationalised.
- Deepen oversight of DFSA to maintain the firewall between donors and prosecutorial work and ensure sustainable governance.
- Support partnerships that enhance SOCA and the TCC network, with a focus on survivor-centred services.

- Structure engagements with BACSA and BLSA to support system performance while maintaining clear independence boundaries.
- Expand Civil Society Roundtables to strengthen transparency, accountability, support for strategic initiatives, and collaborative problem-solving.



8. Conclusion

Public-private and civil-society partnerships now form an essential part of the NPA's operational environment. They provide a means to accelerate capability development, address acute resource constraints, strengthen victim support and respond more effectively to corruption, organised crime and systemic violence. The Digital Evidence Unit, governed through an independent nonprofit firewall, represents a significant step forward in building world-class investigative and prosecutorial capability in South Africa.

As these partnerships deepen, the NPA will need to maintain clear institutional guardrails, embed robust governance structures and ensure that all collaborations reinforce rather than replace internal capability. With careful stewardship, transparent engagement and sustained leadership attention, these partnerships can help shape a more resilient, agile and accountable prosecuting authority. They also offer an opportunity to rebuild public confidence in the criminal justice system by demonstrating that coordinated, multi-sector efforts can deliver measurable improvements in safety, justice and the rule of law.





INNOVATION

8. INNOVATION AND STRATEGIC FORESIGHT AT THE NPA

1. Background and the NDPP's Vision for Innovation

From the outset of her tenure, the NDPP recognised that rebuilding the NPA required more than stabilising leadership and improving performance systems. It required a sustained capacity for innovation, strategic foresight and evidence-driven change located in the Office of the NDPP. In early 2019, she announced the creation of an Innovation and Policy Support Office (IPSO) to serve as a long-term hub for diagnosing systemic challenges, piloting solutions and helping the NPA adapt to a complex and rapidly changing environment.

Although donor funding was secured and foundational documents were prepared, the Ministry did not approve the establishment of posts for IPSO. As a result, IPSO never became a formal unit. Nevertheless, many of the intended IPSO workstreams were implemented through external support and targeted internal capacity, becoming an important contributor to the NPA's revitalisation.

2. The Rationale for an Innovation Capacity in the NDPP's Office

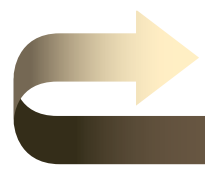
At the time, the NPA faced profound institutional challenges: leadership instability, a damaged

reputation, limited strategic foresight, and fragmented organisational learning. Existing structures, particularly the Strategy Management Office (SMO), were focused on compliance-oriented planning and reporting rather than proactive strategy, innovation or organisational improvement. The NPA needed a nimble, multi-disciplinary capacity to detect emerging risks, gather evidence, test new approaches and bring international and domestic learning into decision-making.

International practice also underscored the importance of such a unit. Prosecution services in Argentina, Chile, Colombia, Germany, the Netherlands, and elsewhere have established strategic support or innovation teams in the Chief Prosecutor's office to improve foresight, guide reforms and institutionalise learning.

3. Key Workstreams and Achievements (2019–2025)

Despite the absence of a formally institutionalised IPSO, many elements of the original mandate were implemented, contributing significantly to the NPA's organisational strengthening.



3.1 Strategic and institutional reform initiatives

Important IPSO-linked projects included:

- Work on NPA autonomy through research, comparative studies and structured leadership discussions, which informed internal and inter-governmental debates.
- Development of the Office for Ethics and Accountability (OEA), including international benchmarking, donor mobilisation and initial design processes.
- Support in the Development of a new NPA communications strategy.
- Support to the development and rollout of the Corporate-ADRM model to strengthen organisational effectiveness and accountability.
- Conceptualisation and early development of the Community Prosecution Initiative (CPI), including research, design work and integration of community-level insights into NPA strategy.
- Foundational work on prosecutorial prioritisation, including research, policy analysis and leadership engagement that informed the later development of the prioritisation framework.

These activities illustrate the strategic role intended for IPSO: advancing reforms that cut across organisational silos and require specialised, sustained attention.

3.2 Evidence-based strategy and performance improvements

IPSO-related work made significant contributions to improving how the NPA gathers and uses information:

- the 2020 all-staff survey, which revealed concerns about ethics, accountability and trust and provided the NDPP with insights not visible through formal reporting channels;
- the development of more meaningful performance indicators and outcome measures; and
- policy and research work on prosecutorial prioritisation.

3.3 Operational innovation and pilot projects

Several pilots tested new ways of working and provided models for replication:

- documentation of innovative prosecutorial practices, including the Pietermaritzburg guilty plea model and the Durban trio-crime initiative;
- support to the AFU's turnaround through internal surveys, strategy development and international expert engagement; and
- development of proposals on non-trial resolutions in complex commercial crime, including international comparisons and a roadmap for implementation.

These projects demonstrated the practical value of a flexible innovation capacity able to experiment, evaluate and learn.

3.4 Strengthening partnerships and external engagement

In its incipient phase, IPSO served as a bridge between the NPA and external partners:

- establishing civil society roundtables as a mechanism for transparency and collaborative problem-solving;
- coordinating donor engagement, including with development partners, and international organisations; and
- facilitating global exchanges and knowledge-sharing, such as the COVID-related prosecution webinars with African and other international partners.

3.5 Contributions to organisational culture

Although not formally constituted, a small IPSO capacity helped introduce:

- a culture of inquiry, experimentation and learning;
- greater use of research and data;
- improved openness to comparative practice; and
- strengthened alignment with the NPA's strategic IPAC pillars of independence, professionalism, accountability and credibility.





4. Why Formal Innovation Capacity Is Needed Now

Despite the progress made, the absence of a formally established IPSO remains a strategic vulnerability. The NPA continues to operate in a rapidly evolving environment shaped by sophisticated organised crime, online harms, state capture aftershocks, resource constraints, political volatility and heightened public expectations.

A permanent innovation and strategic support capacity is now essential for:

- anticipating external changes and emerging threats;
- supporting evidence-driven strategy and organisational learning, including greater emphasis on the use of AI tools to support prosecutorial efficiency;
- ensuring continuity of reform initiatives started since 2019;
- preventing drift toward compliance-only planning and reactive management;
- strengthening the NDPP's ability to access high-quality, unfiltered strategic advice; and
- sustaining partnerships, donor coordination and cross-sector collaboration.

5. Recommendations/Considerations for the Incoming NDPP

The incoming NDPP should revive the original plan to establish a formal innovation and policy support capacity in the NDPP's Office. This should:

- draw from the original IPSO model;
- be small, multi-disciplinary and agile;
- work collaboratively with SMO but retain distinct functions focused on foresight, innovation, research and strategic problem-solving;
- have the ability to pilot reforms, test new approaches and institutionalise emerging best practices;
- serve as a bridge between the NPA and civil society, academia, international partners and development actors; and

- provide the NDPP with dedicated strategic insight and organisational intelligence that supports decision-making.

A formalised IPSO would build on the considerable gains made since 2019 and position the NPA to navigate future challenges with greater agility, coherence and confidence.



6. Conclusion

Innovation has been one of the quiet drivers of the NPA's revitalisation over the past six years. Even without the formal establishment of the Innovation and Policy Support Office, the core ideas behind it – evidence-driven decision-making, strategic foresight, institutional learning, experimentation, and cross-sector collaboration – took root across the organisation. These contributed to strengthening prosecutorial effectiveness, rebuilding integrity mechanisms, improving communication and transparency, modernising performance practices, and enabling deeper partnerships with civil society.

As the NPA enters a new leadership cycle, the absence of a formal innovation and strategic support capacity remains a significant gap. The challenges facing the organisation – from digital transformation and cyber-enabled crime to resource constraints, evolving public expectations and the ongoing need for institutional rebuilding – all require a permanent mechanism to scan the horizon, generate solutions, and support adaptive leadership.



9. WITNESS AND WHISTLEBLOWER PROTECTION

1. Introduction and Strategic Importance

Witness and whistleblower protection is a critical enabler of the NPA's mandate, particularly in complex corruption, organised crime, serious commercial crime and gender-based violence matters. Many of the NPA's priority cases – particularly those linked to State Capture and systemic corruption – depend on insiders who are willing to testify, often at considerable personal risk. The safety, support and credibility of protection arrangements therefore have a direct bearing on the NPA's ability to pursue high-impact prosecutions.

2. Current Institutional Arrangements for Witness Protection


The Office for Witness Protection (OWP) is the statutory mechanism created under the Witness Protection Act, 1998 to provide temporary protection, support and related services to vulnerable and intimidated witnesses and their related persons. In law the OWP is located within the Department of Justice and Constitutional

Development (DoJ&CD), with the Director-General of Justice as accounting officer, but in practice it has been operationally integrated into the NPA for many years.

This “dual home” arrangement – housed in the DoJ&CD but administered and operationally led by the NPA – has never been fully regularised in legislation or subordinate instruments. It has nonetheless allowed close day-to-day integration with prosecutors, including rapid risk assessments, placement decisions and coordinated planning in high-risk matters. At the same time, the lack of clarity about institutional placement, accountability lines and funding flows has created governance and management tensions that require resolution.

3. Operational Performance, Governance and Placement of the OWP

Despite long-standing structural ambiguities, the OWP has consistently delivered excellent operational results. Over the past 25 years no witnesses or related persons have been



threatened, harmed or killed for the reason they were placed on the Witness Protection Programme. This record reflects a strong professional culture, robust risk-assessment and security practices, and effective cooperation between the OWP, SAPS and prosecutors.

Several long-running governance issues around the OWP remain unresolved:

- **Institutional placement and accountability:** In law, the OWP is a DoJ&CD entity; in practice, it functions as an NPA component. This hybrid model complicates accountability.
- **Leadership stability and the appointment regime for the Head of the OWP:** The post of Head/Director of the OWP has experienced extended vacancies and acting appointments, undermining succession planning, long-term strategy and the OWP's voice in system-wide reforms. Over the years, the permanent Head has always been a Special Director of Public Prosecutions ("SDPP"), appointed in terms of the NPA Act. The DoJ&CD recently conducted a job evaluation of the position of the Head of OWP and determined that the position should be at DPSA Level 15, and not SDPP. The NDPP has discussed this issue with the Minister. Either the OWP remains in the NPA, with a SDPP as the Head, or it moves to the DoJ&CD with a Director at DPSA level 15, as the Head. Should the OWP remain within the NPA, which is the preferred position, amendments to the Witness Protection Act will be required. Thereafter, the appointment of the Head as a SDPP under the NPA Act could proceed. This would ensure clearer accountability to the NDPP and reinforce the OWP's integration with prosecutorial strategy.
- **Funding model:** Rising accommodation, transport and security costs – together with longer stays on the programme and increased demand from corruption and organised-crime matters – have put sustained pressure on the OWP's baseline allocation. Occasional supplementary funding (for example via CARA)

has helped but has not resolved the structural funding gap.

These issues have been the subject of sustained engagement between the NPA and the Minister/DoJ&CD in recent years. For the incoming NDPP, resolving the institutional placement of the OWP – in a manner that preserves its operational independence, security culture and close integration with prosecutorial strategy – will be a critical strategic decision, closely linked to the broader themes of NPA independence, accountability and service-delivery improvement.

4. Whistleblower Protection: Current Regime and Reform Trajectory

South Africa's whistleblower framework is currently fragmented, with witnesses in criminal matters primarily protected under the Witness Protection Act and workplace-related whistleblowing covered by the Protected Disclosures Act and related sectoral statutes. The State Capture Commission found that this framework is inadequate, noting that many individuals who exposed State Capture suffered severe personal and professional consequences, including job loss, harassment and assassination attempts.

In response, the DoJ&CD has initiated a review of the Protected Disclosures Act, and the Witness Protection Act to give effect to the Commission's recommendations. Key elements of this reform process include:

- A 2023 DoJ&CD Discussion Document on proposed reforms for the whistleblower protection regime, which canvasses amendments to both Acts, proposes criminalising threats or retaliation against whistleblowers, and suggests reversing the onus of proof in certain disputes to favour those who have made protected disclosures.
- Consideration of monetary incentives (for example, a share of recovered funds) for whistleblowers whose information helps recover public losses, and immunity from civil or criminal action for good-faith disclosures,



drawing on Article 32(2) of the UN Convention against Corruption.

- Preparation of a draft Whistleblower Protection Bill, with the President announcing in 2025 a commitment to finalise the framework and introduce a Bill to Parliament during the 2025/2026 financial year.

Civil-society assessments and public commentary continue to stress that, notwithstanding recent reform efforts, whistleblowers remain highly vulnerable and that the current regime is widely perceived as risky, inaccessible and unable to provide meaningful protection. The 2025 report of the National Anti-Corruption Advisory Council (NACAC) reinforces these concerns, noting that whistleblowers and insiders who expose corruption continue to face serious threats to their safety, livelihoods and dignity, and that weaknesses in the protection framework deter disclosures and undermine the credibility and effectiveness of complex corruption investigations.

5. The Role of the OWP in Future Whistleblower Protection

The ongoing review of the Witness Protection Act explicitly contemplates closer integration between whistleblower protection and the existing witness protection framework. The discussion document and subsequent public debate have raised, among others, the following options:

- Expanding the types of persons who can be admitted to the Witness Protection Programme, including certain categories of whistleblowers whose disclosures create a real and immediate risk to life or safety.
- Creating stronger coordination mechanisms between the OWP and other institutions that will receive and manage protected disclosures, such as the Public Protector, South African Human Rights Commission and a possible specialised whistleblower-support agency.
- Using CARA or similar mechanisms to fund enhanced security and support measures,

including psychosocial support, temporary income replacement and relocation costs for whistleblowers and their families.

From an NPA perspective, there is a strong functional logic in aligning high-risk whistleblower cases with the OWP's existing capabilities for relocation, secure accommodation and identity change. But this will only be viable if:

- the OWP's institutional placement and governance are regularised;
- its baseline funding and staffing are strengthened to accommodate a potentially larger and more complex client base; and
- clear multi-agency protocols are developed on referral criteria, risk assessment, information-sharing and confidentiality.


The incoming NDPP will need to ensure that NPA inputs into the Whistleblower Protection Bill and related policy processes reflect these operational realities and uphold both the safety of witnesses/whistleblowers and the integrity of prosecutions.

6. Strategic Risks and Systemic Dependencies

Witness and whistleblower protection is increasingly central to other strategic initiatives described in this handover report:

- **State Capture and systemic corruption cases:** IDAC and the AFU rely heavily on insiders who can explain complex schemes, financial flows and networks. Without credible protection, fewer insiders will come forward, and those who do will be more vulnerable to intimidation and violence.
- **Organised crime and violence:** The OCC and regional organised-crime teams depend on witnesses in gang, extortion, kidnapping, illicit mining and essential-infrastructure cases, often in environments where witness intimidation and assassination are common.
- **GBVF and SOCA-led matters:** Survivors of sexual offences, trafficking and domestic





violence may require protection where perpetrators have the means and motivation to silence them, especially in cases involving organised exploitation.

- **Community Prosecution and CPI:** Community-based problem-solving models can expose local residents, community leaders and complainants to risks when they confront entrenched criminal interests.

Attacks on whistleblowers and witnesses are not isolated incidents but part of a broader pattern of intimidation in a criminal justice system still grappling with State Capture, organised crime and corruption.

7. Recommendations/Considerations for the Incoming NDPP

- Confirm the institutional placement of the OWP through engagement with the Minister and DG: Justice, ensuring that governance, accountability and operational arrangements are formalised in legislation or regulations.
- While legislative amendments are pursued and effected, encourage the filling (in an acting capacity) of the position of Head of the OWP.
- Once legislative amendments have been adopted to formally place the OWP within the NPA, pursue the appointment of an SDPP to head the OWP.
- Strengthen staffing and specialist capability by securing appropriately graded posts, improving regional coverage and embedding OWP workforce needs in broader HR and capability planning.
- Secure sustainable funding for witness protection, ensuring that the baseline reflects actual operational demand and the potential expansion of the OWP mandate to include high-risk whistleblowers.
- Modernise allowances and support packages for protected persons, and review administrative requirements – including procurement through the Central Supplier Database – for efficiency, security and cost-effectiveness.
- Shape the emerging whistleblower protection framework by coordinating NPA inputs into

the Whistleblower Protection Bill and related policy processes, ensuring alignment with prosecutorial needs and OWP capacity.

- Establish structured reporting mechanisms on threat trends, protection caseloads and systemic risks to support regular oversight by the NDPP, EXCO and relevant governance committees.
- Engage justice-sector partners, including SAPS, DPCI, SIU and intelligence structures, to enhance early warning, threat monitoring and multi-agency responses to intimidation or attacks.



8. Conclusion

Witness and whistleblower protection is central to the credibility of the NPA's work, particularly in complex corruption, organised crime, SOCA matters and GBVF cases. The OWP's operational safety record remains exemplary, but sustained pressure on staff, long-running governance ambiguities and the evolving threat environment require renewed attention from the NPA's leadership.

The next phase of reform will require stabilising the OWP's institutional position, strengthening its capacity and securing sustainable funding. It will also require the NPA to play an active role in shaping the country's emerging whistleblower-protection framework. Ensuring that those who come forward with evidence of serious wrongdoing are safe and supported is essential to the NPA's ability to deliver justice and to the broader project of restoring public trust in the criminal justice system.



10. LEGAL PRACTICE ACT: IMPLICATIONS FOR THE NPA

1. Background

The Legal Practice Act, 2014 (LPA), which came fully into effect in November 2018, has introduced a range of unintended and serious consequences for the NPA's professional environment. These consequences affect prosecutors' ability to be admitted and enrolled as legal practitioners, the NPA's disciplinary autonomy, institutional independence, staff morale, and the organisation's ability to attract and retain skilled practitioners.

2. Admission and Enrolment under the LPA: Impact on Prosecutors

Under the current LPA regime, any NPA prosecutor who obtained an LLB degree after 1 November 2018 cannot be admitted and enrolled as an advocate or attorney unless they resign from the NPA to complete practical vocational training, competency-based examinations and mandatory community service outside the institution.

This represents a fundamental departure from the previous position under the Admission of Advocates Act (AAA), which allowed prosecutors to be admitted while remaining in service.

The impact includes:

- loss of critical prosecutorial skills when officials leave to complete LPA requirements;
- barriers to professional development and career progression;
- weakened institutional independence, as prosecutors are formally not recognised as legal practitioners;
- reduced parity with private practitioners, undermining the principle of equality of arms; and
- negative perceptions of prosecutors as "government officials" rather than members of an independent legal profession exercising a constitutional mandate.

3. Incorrect References to "State Advocates" in the LPA

The LPA incorrectly refers to "state advocates" as a category of enrolled legal practitioners. This definition conflicts with the NPA Act, which provides for the appointment of prosecutors, not state advocates.

In October 2021, the Minister of Justice confirmed in writing that this drafting error creates significant legal and practical problems and should be removed. The Judicial Matters Amendment Bill [B8-2025] now before Parliament includes the deletion of all such references.

The correction is important for clarity in statutory terminology; preserving the integrity of the NPA's appointment framework; and eliminating confusion between job titles within the Occupation Specific Dispensation (OSD) salary structure and enrolment categories under the LPA.



4. Disciplinary Jurisdiction and Threats to Independence

Under the LPA, admitted NPA prosecutors also fall under the disciplinary jurisdiction of the Legal Practice Council (LPC). This creates structural conflicts and constitutional risks:

- private practitioners, who appear as opponents in court, may effectively exercise disciplinary power over prosecutors;
- the NDPP and DPPs, as admitted advocates, could theoretically be disciplined by the LPC, undermining the constitutional principle that they are accountable to Parliament and the President;
- dual disciplinary exposure (OEA and LPC processes) creates a risk of double jeopardy; and
- LPC processes may have a chilling effect on prosecutorial independence.

Legislative amendments drafted by the NPA in November 2022 would restore proper disciplinary jurisdiction exclusively to the NPA Act.

5. LPC Annual Fees and Financial Burden

The NPA currently pays annual LPC fees for admitted prosecutors, or prosecutors pay them personally. This is legally questionable because:

- the LPA is intended to regulate legal practitioners in private practice, not public prosecutors;
- NPA prosecutors do not practise under LPC rules, nor do they appear under the LPC Code of Conduct; and
- paying LPC fees for hundreds of staff consumes scarce budget resources.

6. Legislative Amendments: Status and Required Action

Two sets of amendments are currently relevant:

- Amendments to the LPA (in Parliament), including deletion of “state advocate”.
- Amendments to the NPA Act (drafted in 2022), allowing prosecutors to be admitted as advocates based on the APP, competency

examinations and NPA-prescribed community service.

These amendments have stalled. The incoming NDPP will need to engage the Minister of Justice to ensure that these NPA Act amendments are reactivated and brought into the departmental legislative programme.

7. Recommendations/Considerations for the Incoming NDPP

- Prioritise engagement with the Minister and DG of Justice on fast-tracking the NPA Act amendments;
- Consolidate the NPA's position on the LPA, ensuring prosecutors' admission, discipline and professional governance fall under the NPA Act;
- Advocate for an integrated professional development pathway through the Aspirant Prosecution Programme (APP) leading directly to admission;
- Ensure the OEA's mandate is protected and not diluted by LPC jurisdiction; and
- Develop a communication plan to reassure affected prosecutors and stabilise morale.



8. Conclusion

The LPA poses material risks to the NPA's independence, prosecutorial professionalism, and ability to recruit and retain talent. While partial progress has been made, significant legislative and policy reforms remain outstanding. Addressing these challenges must be an early priority for the incoming NDPP, as they directly affect institutional credibility, operational continuity and constitutional integrity. A coherent, well-negotiated reform package is essential to restore parity, strengthen independence and ensure the NPA continues to attract and retain the skilled prosecutors it needs to fulfil its mandate.



PART C

INSTITUTIONAL PRIORITIES





11. INVESTIGATING DIRECTORATE AGAINST CORRUPTION (IDAC)

1. Background and Rationale

The creation of the Investigating Directorate (ID) in 2019 was an urgent response to the serious capacity deficits that had undermined South Africa's ability to investigate and prosecute complex corruption and State Capture-related cases. The ID was established by Presidential Proclamation as a temporary structure. Although it provided much-needed specialised attention to complex corruption matters, its temporary and proclamation-based status limited its institutional stability, long-term planning and ability to build and retain specialist skills.

With the release of the State Capture (Zondo) Commission reports in 2022, it became clear that South Africa required a permanent, well-resourced and multidisciplinary capability to address complex corruption on a sustained basis. The Commission's findings highlighted the systemic nature of corruption networks and emphasised the need for a stable, protected institutional home

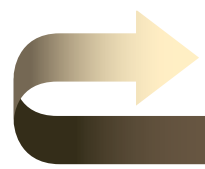
for the investigation and prosecution of high-end corruption offences.

The NPA Amendment Bill establishing the Investigating Directorate Against Corruption (IDAC) as a permanent statutory entity within the NPA was signed into law by the President on 24 May 2024. The Proclamation and Regulations for the law to come into effect were published in August 2024. This marked the first time since the disbandment of the Scorpions in 2009 that South Africa created a permanent, specialised corruption-fighting structure with statutory protection and defined governance arrangements.

2. What the Institutionalisation of IDAC Achieves

2.1 Permanence and statutory protection

The establishment of IDAC in the NPA Act removes the uncertainty associated with proclamation-based structures. Its mandate, leadership and functions are now protected in primary legislation,



ensuring that IDAC can only be altered or dissolved through a parliamentary process. This permanence enhances institutional stability and strengthens confidence among partners, stakeholders and the public. It also allows IDAC to strengthen its capacity through recruitment of its required specialised investigation and forensic analysis skills.

2.2 Embedded multi-disciplinary capacity

IDAC is designed to house multidisciplinary teams capable of handling complex corruption matters end to end. These teams integrate investigative, prosecutorial, analytical and forensic capabilities and give effect to the Prosecution-Led Investigation (PLI) model. Such an approach promotes early alignment between investigative strategy and prosecutorial objectives, supports the identification of financial flows and asset-recovery opportunities and improves the overall quality and efficiency of complex corruption case work.

2.3 Clearer mandate and leadership structure

The legislative framework provides for an Investigating Director with defined powers and responsibilities, along with clear reporting lines within the NPA. This ensures accountability, strengthens governance and contributes to more coherent long-term planning.

2.4 Alignment with national anti-corruption objectives

IDAC forms a central element of South Africa's evolving anti-corruption architecture. It supports Government's commitments in response to the Zondo Commission and aligns with broader efforts to strengthen the institutions responsible for addressing corruption. The Minister and the President have each publicly recognised the need for a coherent and capable anti-corruption system, and IDAC is an important component of that effort.

3. Outstanding Work to Fully Operationalise IDAC

Overall, the operational success of IDAC will be strengthened by the broader reforms to the NPA's institutional framework. Enhanced operational and

financial autonomy for the NPA, will support IDAC in building the stable specialist capacity required for complex corruption work.

3.1 Integration of investigators and technical specialists

Full implementation of IDAC requires a coordinated approach to integrating investigators and technical personnel into the directorate. IDAC has engaged in a dedicated recruitment drive to enhance its capacity; however, its ability to attract and retain specialised investigator and forensic analysts is limited by the aforementioned absence of a salary dispensation that would enable it to offer salaries that are comparable to those offered by other LEAs such as SARS and SIU, instead of being bound by Public Service Act regulations.

3.2 Resourcing and budget stability

IDAC's long-term effectiveness depends on secure funding that reflects the scale and complexity of its mandate. Multi-disciplinary corruption work is resource intensive.

3.3 Integration into the broader anti-corruption architecture

Government is considering further reforms to the national anti-corruption landscape, especially as set out in NACAC's recommendations. IDAC should be positioned coherently within this structure to avoid duplication, fragmentation or gaps in mandate. This includes clarifying its relationship with oversight, investigative and intelligence functions.


3.4 Strengthening governance and accountability mechanisms

IDAC must be supported by clear governance arrangements, transparent performance measures and internal controls that reflect both the NPA's operational standards and the specific requirements of complex corruption investigations.

3.5 Strengthening digital-forensic capacity

IDAC's work involves the handling of large volumes of electronic evidence, complex data structures and advanced digital-forensic requirements. To





support this, a Digital Evidence Unit (DEU) was established to provide specialised analysis, data recovery, evidentiary management and technical support to multidisciplinary teams. The Unit was developed with assistance from private-sector partners as part of broader efforts to strengthen national anti-corruption capacity. It has already begun to play a critical role in enabling investigators and prosecutors to make effective use of digital material in complex corruption cases.

4. Recommendations/Considerations for the Incoming NDPP

- Finalise staffing, salary, and HR arrangements to ensure that IDAC's multi-disciplinary model is fully implemented;
- Secure stable and adequate resourcing aligned to IDAC's mandate;
- Strengthen cooperative frameworks with DPCI, FIC, SIU, SARS and international partners;
- Integrate IDAC's case-selection and investigation processes within the NPA's broader prioritisation and PGI frameworks;
- Monitor legislative and policy developments in the anti-corruption architecture to ensure that IDAC is strategically positioned within it;
- Ensure the DEU is fully integrated into IDAC's workflows, sustainably resourced and expanded in line with technological demand;
- Closely monitor IDAC's expenditure to ensure full utilisation of its allocated budget to prevent future reductions in funding;
- Strengthen physical and digital security measures for IDAC investigators, prosecutors and technical personnel in light of current threat conditions;
- Track the outcomes of the Madlanga Commission and the Ad Hoc Committee inquiry concerning Lt Gen Mkhwanazi, assessing implications for IDAC's operations and inter-agency cooperation.

A further medium-term consideration for the incoming NDPP is the potential establishment of additional Investigating Directorates to address other forms of complex and serious crime. The NPA Act provides for the creation of such directorates, and emerging threats such as organised crime, cyber-enabled crime and complex financial crime may warrant specialised, multi-disciplinary structures similar to IDAC. Any such proposal would require careful assessment of national needs, resource implications and alignment with broader reforms aimed at strengthening the NPA's operational and financial independence.



5. Conclusion

The establishment of IDAC as a permanent statutory corruption-fighting directorate is one of the most significant institutional reforms undertaken during this period. Its permanence reflects a national commitment to building a sustained capability to tackle complex corruption, consistent with the lessons of the State Capture era and the recommendations of the Zondo Commission.

The work ahead lies in consolidating IDAC's institutional foundations, ensuring it has the necessary specialist capacity and integrating it effectively into the wider anti-corruption system. Fully operationalised, IDAC can play a central role in restoring confidence in the rule of law and delivering accountability in cases of complex and systemic corruption.



12. PROSECUTORIAL PRIORITISATION

1. Background and Strategic Rationale

South Africa's justice system faces a persistent gap between the volume of serious crime reported each year and the number of matters that can realistically be investigated and prosecuted to conviction. The NPA finalises only a fraction of the dockets opened, and many of those that reach court depend on investigative work constrained by capacity, delays and uneven quality. Within this environment, prosecutorial prioritisation has become a central institutional reform to ensure that prosecutorial effort is directed where it can achieve the greatest impact.

Prioritisation enables the NPA to move away from a reactive, first-in-first-out approach by applying structured criteria to identify the cases, offender groups and crime phenomena that most undermine community safety, stability and confidence in the justice system. It aligns prosecutorial choices with broader institutional reforms highlighted elsewhere in this report, including prosecution-guided investigations, improved case flow management, organisational capability enhancement, and the operational strengthening of specialised units.

2. The Purpose and Importance of Prioritisation

Prosecutorial prioritisation provides a rational and principled framework for allocating finite capacity. It ensures that decisions about which matters to pursue intensively, which to manage routinely and which to resolve through alternative mechanisms are consistent, transparent and aligned with the NPA's strategic and Divisional objectives.

Its core purposes are to:

- direct prosecutorial capacity to the cases and crime phenomena that most threaten public safety and institutional integrity;
- improve the quality and efficiency of prosecutions by ensuring that priority matters receive focused attention and early collaboration with investigators;
- enhance public trust by demonstrating that prosecutorial choices are based on objective criteria and societal benefit;
- integrate data, intelligence and community insights into decision-making;
- position the NPA as a proactive institution shaping criminal justice outcomes; and
- support broader reforms such as PGI, victim engagement and improved performance oversight.


These aims are embodied in the Prosecutorial Prioritisation Guidelines adopted by the NPA's ManCo in late 2025 and supported by an operational Toolkit that translates strategic concepts into daily practice.

3. Lessons from the Pilot Projects

Three pilot projects in Durban, the Western Cape and the Free State provide practical insight into how prioritisation can be operationalised and what conditions enable success.

Durban: Housebreaking

The Durban initiative showed that prioritisation reshapes prosecutorial practice when accompanied by vertical case handling, structured PGI and improved communication with SAPS.



Withdrawals fell, conviction rates improved, and previously disconnected cases were linked to repeat offenders and organised groups. Victim engagement strengthened case progression and reduced attrition.

Western Cape: Firearm Crime

This pilot emphasised the need for technical clarity on firearm legislation and evidentiary requirements. Systematic review of unsuccessful matters identified recurring investigative weaknesses, particularly among first responders. Close collaboration with ballistic experts and SAPS contributed to improved enrolment readiness and more coherent prosecution of firearm-related offences.

Free State: Stock Theft

Treating stock theft as organised criminal activity rather than isolated incidents improved outcomes significantly. Dedicated prosecutors, PGI, hotspot analysis, revived withdrawn cases and targeted engagement with rural communities contributed to higher conviction rates and restored confidence in the justice system.

Across all pilots, common themes emerged: the critical role of regional leadership, early collaboration with investigators, protected time for priority matters, data-driven analysis of crime patterns and the importance of clear project governance.

4. The Prosecutorial Prioritisation Framework

The Prioritisation Guidelines provide a structured approach to prioritisation across the NPA. They emphasise principles of legality, public interest, impact, fairness, transparency and adaptability. The approach has two tiers:

- Strategic prioritisation, where DPPs and Cluster Heads identify priority crime phenomena.
- Case-level prioritisation, where prosecutors assess individual dockets within a priority category to determine which matters warrant enhanced focus.

This framework allows the NPA to combine national direction with local discretion, ensuring both consistency and responsiveness to Divisional crime environments.

5. Outstanding Work and Institutional Challenges

While prioritisation represents a major advance for the NPA, several issues require sustained leadership attention to consolidate progress.

5.1 Embedding prioritisation in performance management

Prioritisation must be integrated into planning cycles, cluster reviews and supervisor responsibilities. Without this, it risks remaining an episodic initiative rather than a foundational shift in prosecutorial practice.

5.2 Strengthening collaboration with SAPS

Early investigative alignment is central to successful prioritisation, yet SAPS engagement remains uneven. Improvements in detective readiness, first-responder quality, joint case screening and PGI implementation are necessary for prioritisation to achieve its intended impact.

5.3 Ensuring adequate capacity and realistic workloads

Prosecutors handling priority matters require continuity, protected time and specialist support. Competing court roll obligations often dilute the intended focus. Divisions should consider ring-fencing posts or creating dedicated teams where feasible.

5.4 Building project management and analytical capability

The pilots highlighted the importance of project management, stakeholder coordination and the use of data to identify patterns, hotspots and repeat offending. These skills will need to be strengthened across Divisions.

5.5 Managing trade-offs and expectations

Prioritisation inherently requires that some matters receive less attention. Transparent communication with communities and justice partners is essential to manage expectations and preserve legitimacy.



5.6 Alignment with other NPA reforms

Prioritisation is most effective when integrated with PGI, improved case flow management, and the work of specialised units such as IDAC, AFU, SOCA and SCCU.

5.7 Integration with the review of the Organised Crime Strategy

The NPA's Organised Crime Component is revising the NPA's Organised Crime Strategy and is incorporating a prioritisation framework into that process. Care will be required to ensure that the revised strategy is adequately resourced and implemented, and that its prioritisation model aligns with the broader Guidelines to avoid duplication or parallel systems.

5.8 Institutionalising the newly adopted Guidelines

The Prosecutorial Prioritisation Guidelines and Toolkit were adopted by ManCo in late 2025. Their implementation therefore marks an early phase rather than a mature practice. Significant work is required to embed prioritisation into daily decision-making, supervisory oversight and performance management. Over time, these efforts should culminate in the development of a formal NPA Prioritisation Policy supported by consistent training, monitoring and leadership engagement.

6. Recommendations/Considerations for the Incoming NDPP

- Consolidate the governance arrangements supporting prioritisation at national and Divisional level.
- Embed prioritisation into Divisional plans, supervisor responsibilities and performance agreements.
- Ensure that all Divisions implement the Guidelines and Toolkit consistently and report on their application in regular reviews.
- Strengthen cooperation mechanisms with SAPS to improve investigative readiness and joint case screening.
- Support training for prosecutors in project management and PGI.

- Ensure that prioritisation draws on reliable crime data, intelligence and lessons from the pilot projects.
- Promote alignment between prioritisation and the work of specialised units where priority phenomena overlap.
- Maintain transparent communication with internal and external stakeholders to reinforce public trust and understanding of prosecutorial focus.
- Oversee the integration of prioritisation into the revised Organised Crime Strategy, ensuring coherence and adequate resourcing.
- Guide the institutionalisation of the Guidelines so they evolve into a formal, consistently applied NPA Prioritisation Policy.



7. Conclusion

Prosecutorial prioritisation is one of the NPA's most significant institutional reforms and a central pillar of a more focused and effective prosecution service. The pilot projects have demonstrated that prioritisation improves case quality, increases conviction rates and strengthens public confidence when supported by PGI, strong SAPS collaboration and capable managerial leadership.

The incoming NDPP will need to consolidate institutional governance, embed prioritisation across all Divisions and ensure coherence with related reforms, including organisational capability enhancement and the strengthening of specialised units. With sustained leadership attention and adequate support, prioritisation can become a defining feature of a modern, proactive and impactful NPA.





13. PROSECUTOR-GUIDED INVESTIGATIONS

1. Background and Strategic Rationale

Prosecutor-Guided Investigations (PGI) strengthen the quality, coherence and impact of investigations in serious and complex matters. PGI ensures that prosecutors and investigators work collaboratively from an early stage to shape the investigative strategy, direct lawful evidence-gathering and ensure alignment with prosecutorial requirements. This contributes to better case readiness, fewer delays, improved evidential quality and higher prospects of successful prosecution.

PGI is not new to the NPA. Variants of it have been used for many years, especially in complex commercial crime, corruption, racketeering, terrorism and cybercrime matters.

The former Directorate of Special Operations (DSO/Scorpions) implemented a fully integrated prosecution-led investigations (PLI) model that

embedded prosecutors alongside investigators in multidisciplinary teams. This legacy continues today within the NPA.

IDAC uses a fully-fledged PLI approach closely aligned with the DSO model, while the SCCU has long applied PGI principles and developed internal guidelines that reflect extensive practical experience. However, PGI has been unevenly applied across the NPA, often dependent on individual initiative, local relationships or case complexity.

Recognising the need for a consistent, institution-wide approach, the NPA, SAPS and DPCI resolved at a September 2025 Leadership Workshop to develop a unified PGI model and policy framework. This forms part of broader system reforms, including prioritisation, the revised Organised Crime Strategy and efforts to strengthen investigative and forensic capabilities.



2. Conceptual Foundations and Purpose

PGI is a structured, collaborative method of investigation in which prosecutors provide ongoing legal guidance and strategic direction to investigators throughout the life of a case. It is designed to ensure that investigations are constitutionally compliant, evidence-driven and aligned with the requirements for successful prosecution.

The key purposes of PGI are to:

- improve investigative quality by ensuring early and continuous alignment between investigators and prosecutors;
- support lawful, focused and efficient use of investigative powers;
- develop coherent case theories and identify evidential requirements early;
- prevent defective dockets and reduce delays caused by late requests for further investigation;
- strengthen multi-disciplinary teamwork in complex cases;
- ensure that priority and high-impact cases progress more effectively; and
- enhance cooperation between NPA, SAPS, DPCI, AFU and other partners.

PGI is particularly crucial in corruption, organised crime, financial crime, environmental crime, cybercrime and digital evidence matters, where investigative complexity is high and the cost of defective early decisions is significant.

3. Historical Practice and Experience Within the NPA

3.1 SCCU as a longstanding centre of PGI practice

The SCCU has used PGI methods for more than a decade, refining internal guidelines, workflows and collaboration structures. Its experience demonstrates the value of early case engagement,

structured planning and continuous oversight in improving case quality and readiness.

3.2 IDAC's use of a fully-fledged PLI model

IDAC represents the NPA's most advanced implementation of a DSO-style prosecution-led investigations model. Prosecutors and investigators work in integrated multi-disciplinary teams supported by analysts, digital specialists and financial investigators. Prosecutors are involved throughout the investigative lifecycle, shaping strategy, directing lawful evidence-gathering and ensuring the integrity and coherence of cases.

3.3 The DSO legacy

The former DSO's PLI model emphasised integrated teams, investigative-prosecutorial co-location and joint case development. Although institutional structures have changed, the principles underpinning PGI remain consistent with the DSO approach.

3.4 Ad hoc use in other units

Other NPA components, including provincial organised crime and commercial crime teams, have used PGI informally in extortion, illicit mining, wildlife trafficking and major cybercrime investigations. However, practice varies widely without a unified framework.

4. Developing a Formal PGI Model

The movement toward a formal PGI model is driven by the need for consistency, formal governance and a shared approach between the NPA, SAPS and DPCI. The September 2025 Leadership Workshop highlighted systemic weaknesses in investigative quality, coordination and accountability, and confirmed PGI as a central joint reform priority.

Work undertaken since the workshop includes:

- establishment of a joint PGI Working Group;
- development of draft PGI conceptual models and guidelines;
- mapping existing NPA practices, including SCCU PGI;



- identifying enabling conditions for PGI success; and
- ensuring alignment with prioritisation and the revised Organised Crime Strategy.

The direction of travel is toward a unified national PGI policy that is practical, operationally clear and tailored to South African legal and investigative realities.

5. Key Components of PGI

5.1 Early case engagement and classification

PGI requires early engagement between prosecutors and investigators, particularly in cases involving organised crime, corruption or complex technical evidence. Early classification as PGI cases ensures that priority matters receive focused attention and strategic direction from the outset.

5.2 Joint case planning and case theory development

A core PGI element is collaborative development of the case theory and investigative plan. Prosecutors and investigators jointly identify required evidence, determine lawful investigative avenues and establish clear objectives for each investigative step. This improves investigative focus and reduces later delays or corrective work.

5.3 Continuous oversight and feedback loops

PGI involves regular, structured meetings between prosecutors and investigators to assess progress, refine the case plan and address obstacles. This iterative approach provides accountability and prevents loss of investigative momentum.

5.4 Integrated multidisciplinary teams

Drawing on the IDAC PLI model, PGI encourages integrated teams consisting of prosecutors, investigators, analysts, financial experts, digital forensic practitioners and AFU personnel. This multidisciplinary approach improves evidential coherence, enables parallel financial recovery actions and enhances strategic coordination.

5.5 Record-keeping and documentation

PGI requires clear documentation of decisions, investigative requests and progress. Standardised templates and reporting tools, some already in use in SCCU and IDAC, support accountability and facilitate internal review.

5.6 Alignment with prioritisation and the Organised Crime Strategy

PGI is most effective when integrated with prosecutorial prioritisation and organised crime strategies. Priority cases often require PGI attention, and PGI insights can reveal criminal networks, repeat offenders and systemic crime enablers.

6. Outstanding Work and Institutional Challenges

6.1 Uneven implementation and organisational readiness

While SCCU demonstrates mature PGI practices, implementation is uneven across the NPA. Many prosecutors and investigators have limited exposure to PGI methods, and some environments lack the capacity for sustained joint work.

6.2 Capacity constraints within SAPS and DPCI

High caseloads, limited specialist skills and uneven investigative capability constrain PGI effectiveness. Successful institutionalisation will require joint planning for training, resourcing and investigative support.

6.3 Need for a unified national policy and governance framework

A single PGI policy or framework is required to clarify responsibilities, define procedures and establish joint governance mechanisms across the NPA, SAPS and DPCI. The PGI Working Group has begun this work, but further development and formal adoption are required.

6.4 Training and skills development

PGI requires strengthened legal-investigative insight among prosecutors and enhanced understanding of evidential requirements among investigators.



Joint training programmes, including scenario-based practical exercises, will be essential.

6.5 Supporting digital, forensic and financial investigations

Growing reliance on digital evidence and financial analysis requires improved access to expertise, tools and secure platforms. Strengthening forensic and digital capabilities will support PGI and the work of specialised units.

6.6 Managing workloads and balancing investigative and court duties

Prosecutors involved in PGI often carry heavy court rolls. PGI requires protected time and prioritisation of workloads to ensure consistent engagement.

7. Recommendations/Considerations for the Incoming NDPP

- Finalise and adopt a national PGI policy and/or framework in collaboration with SAPS and DPCI.
- Establish joint governance mechanisms for oversight, reporting and accountability.
- Ensure alignment between PGI, prioritisation, the NPA Organised Crime Strategy and specialised unit mandates.
- Expand joint training for prosecutors and investigators in case planning, legal tools and digital and financial evidence.
- Promote integrated multi-disciplinary approaches, drawing lessons from IDAC's PLI model and SCCU's experience.
- Allocate and protect capacity for PGI-intensive matters to ensure consistency and effectiveness.
- Support use of standardised templates and documentation to enhance transparency and accountability.
- Monitor implementation across Divisions.



8. Conclusion

Prosecutor-guided investigations have long formed part of the NPA's approach to complex and high-impact criminal matters, particularly within specialised units such as the SCCU. This experience has demonstrated the value of early prosecutorial involvement, structured case planning and multidisciplinary collaboration in achieving coherent, efficient and successful investigations and prosecutions.

The present strategic priority is not to introduce PGI, but to build on this accumulated practice by developing a coherent, institution-wide policy and framework, jointly with SAPS and the DPCI. PGI is central to the NPA's broader drive to improve investigative quality, align efforts across the justice chain and support more impactful outcomes in priority and complex cases.

For the incoming NDPP, the task is to steer this institutionalisation process, ensure adequate resourcing and training, and embed PGI within the operational culture of both prosecutors and investigators. With sustained leadership attention and strong inter-agency cooperation, PGI can significantly enhance the effectiveness of the criminal justice system and support the NPA's wider strategic objectives in combating corruption, organised crime and other serious offences.





14. CAPACITY ENHANCEMENT INITIATIVE

1. Introduction

The Capacity Enhancement Initiative is the NPA's most substantial effort to build a modern and sustainable capability base for investigating, prosecuting and recovering assets in complex corruption, serious commercial crime and organised crime matters. It is anchored in two mutually reinforcing components: a national Capability Review (2022–2024) and an implementation programme supported by the German Federal Foreign Office through to 2027. Together these initiatives provide both a diagnostic foundation and a structured mechanism for strengthening specialist skills, improving operational coherence and modernising institutional development practices.

2. Origins and Rationale

The Capability Review was commissioned to determine whether the NPA possessed the skills, organisational conditions and systemic

support necessary to meet the growing demands of complex corruption and organised crime work. It sought to provide an evidence base for decisions on recruitment, training, promotions, operational models and the future shape of specialised units. The Review confirmed significant variation in demonstrated capability across age groups, Divisions and crime types, and highlighted constraints related to infrastructure, digital tools, partner-agency performance and internal coordination. These findings created the foundation for a multi-year programme of reform and capability enhancement.

A further impetus for the initiative was the need to move the NPA from largely ad hoc, experience-based development of specialised prosecutors toward a more deliberate, structured and profession-oriented model of capability building. International and domestic comparisons showed that sustainable performance in complex corruption and organised crime cases requires coherent talent pipelines,



modern training methods and integrated work with investigators. The Capability Review demonstrated that the NPA had pockets of excellence but lacked the institutional architecture to replicate and sustain that excellence across the country. The initiative therefore aims not only to strengthen technical skills but also to shift organisational culture and create systemic conditions for long-term professionalisation.

3. Phase 1: Capability Review (2022–2024)

The Review assessed almost 500 prosecutors, investigators and AFU staff within the AFU, SCCU, OCC, STU and IDAC, examining numerous generic and technical capabilities and demonstrated exposure across various crime types.

Generic capabilities included communication and writing skills (such as formulating clear case strategies and drafting instructions), critical and analytical thinking (for identifying evidentiary gaps or testing investigative hypotheses) and the ability to work effectively in a digital environment (including handling electronic files and using basic analytical tools). Technical capabilities assessed included case-strategy development and investigative sequencing, the analysis and use of financial information in corruption and money-laundering matters and the drafting of complex legal instruments, including racketeering authorisations.

Capability was strongest among older, experienced practitioners; markedly weaker among younger staff entering specialised units; and uneven across provinces. Infrastructure deficits, fragmented internal processes and variability in partner-agency capability significantly undermined performance.

4. Phase 2: Implementation of Review Findings (2024–2027)

The implementation phase introduces reforms to recruitment and transfer practices into specialised units, strengthens performance management, establishes a clearer talent pipeline, supports

leadership development and modernises training. These changes have been endorsed by ManCo and are now under way across the institution.

The training aspect operationalises the findings of the Capability Review and serves as the main vehicle for reshaping the NPA's approach to skills development. The programme moves beyond lecture-based training to embrace experiential, problem-centred learning rooted in adult-learning principles. This marks a significant evolution from historical NPA training approaches.

All training cohorts include NPA, DPCI and SAPS members. This joint approach strengthens PGI and PLI by creating shared understanding of evidentiary requirements, investigative sequencing, digital and financial methods and inter-agency responsibilities.

The first full cycle of German-funded training was completed in late 2025. Lessons from this cohort are informing the 2026–27 Facilitator's Guide and Learners' Guide, which will standardise national delivery and embed experiential-learning principles across Divisions.


Infrastructure deficits, limited digital tools, uneven management practices and persistent capability constraints within partner agencies continue to weaken complex-case performance. Strengthening PGI and PLI requires sustained joint development and consistent application of the new training methodologies across all Divisions.

5. Strategic Significance

The Capacity Enhancement Initiative has strategic value beyond technical skills development. It provides the NPA with a coherent institutional framework for cultivating specialisation, identifying and nurturing talent, and addressing long-standing weaknesses in training, succession planning and operational alignment.

By embedding experiential learning and structured capability assessment, the initiative helps shift the organisation from reliance on individual experience toward a more systematic, profession-based model of specialised prosecution. Its multi-agency





approach strengthens PGI and PLI, enhances the coherence of complex investigations and builds shared capacity across the criminal justice chain. Importantly, the initiative establishes a platform for long-term professionalisation that will continue to shape the NPA's institutional culture and operational capability well beyond 2027.

6. Recommendations/Considerations for the Incoming NDPP

- Oversee the Capacity Enhancement Initiative and the German-supported programme to ensure continuity, stability and sustained implementation momentum.
- Consolidate the experiential, adult-learning model by supporting refinement and updating of the Facilitator's and Learners' Guides and ensuring national standardisation of training delivery.
- Embed Capability Review findings in recruitment, transfers and promotions within specialised units, ensuring decisions reflect demonstrated capability and potential.
- Strengthen the talent pipeline into specialised roles by identifying emerging practitioners and linking them to structured development pathways.
- Reinforce joint NPA-DPCI-SAPS capability-building as a core element of PGI and PLI, ensuring integrated practice becomes standard in complex investigations.
- Advocate for improved infrastructure, digital tools and secure evidence-handling environments.
- Support managers to embed the new skills within operational teams, ensuring learning is applied to live matters and shared across units.



7. Conclusion

The Capacity Enhancement Initiative gives the NPA an unprecedented understanding of its capability strengths and weaknesses and a structured, well-supported mechanism for addressing them. Through the Capability Review and the experiential, multi-agency training model funded by the German Federal Foreign Office, the NPA is beginning to embed practices that reflect contemporary international standards in complex-case investigation and prosecution.

These reforms, if sustained, will strengthen PGI and PLI, improve the quality and pace of complex investigations, and contribute to a more coherent, professional and respected prosecuting service. For the incoming NDPP, the initiative presents a platform of considerable momentum – one that, with consistent leadership attention, offers the potential to shape the institution's performance and culture for years to come.



15. COHERENT PERFORMANCE MEASURES

1. Introduction

The effectiveness of the criminal justice system depends on alignment between its core institutions: SAPS, the DPCI, the NPA and the courts. Yet the system continues to operate with performance indicators that are largely siloed, internally focused and, at times, contradictory. These indicators reward activity rather than outcomes and do not reflect the quality of investigations, the readiness of cases placed on the court roll, or the overall ability of the system to secure justice for victims.

Establishing transversal, outcome-based performance measures is essential to improving investigations, strengthening prosecution readiness, supporting PGI/PLI practices, and ensuring that all institutions contribute to a shared objective: reducing crime and improving public safety.

2. Weaknesses of the Current Performance Framework

Current indicators across SAPS, DPCI, the NPA and the courts measure internal outputs rather than system performance. They create incentives that discourage cooperation, weaken the quality of casework, and distort institutional priorities.

2.1 SAPS and DPCI indicators

SAPS and the DPCI focus primarily on investigations finalised; dockets submitted to court; arrest and charge volumes; and compliance with administrative timelines. These measures emphasise quantity over quality. They do not require investigations to be thorough, well-evidenced or prosecution-ready, nor do they reflect whether a docket will withstand judicial scrutiny.



2.2 NPA indicators

The NPA remains measured chiefly by the conviction rate – the proportion of cases finalised with a guilty verdict. This indicator:

- rewards the prosecution of simpler, low-risk cases;
- discourages taking on complex or strategically important matters;
- masks declines in the number of serious or high-impact cases finalised;
- ignores cases not enrolled due to inadequate investigation; and
- encourages risk-averse decision-making inconsistent with PGI/PLI and prioritisation.

2.3 Court indicators

Courts focus largely on case finalisation rates, sitting hours, and time-to-finalisation. These indicators assess throughput but do not measure the quality of cases entering the system or whether proceedings contribute to reducing crime or strengthening accountability.

3. Consequences of Misaligned Indicators

The fragmentation of performance measurement does more than create inefficiencies; it produces systemic distortions that weaken investigations, undermine prosecutorial effectiveness and impair judicial outcomes. Because SAPS, DPCI and the NPA are evaluated against different – and often counterproductive – targets, each institution is incentivised to optimise internal outputs rather than contribute to a shared system outcome. This misalignment encourages siloed behaviour, limits information-sharing, promotes risk-avoidance and undermines case quality.

The fragmentation in performance measurement has several systemic effects:

- Investigators are incentivised to meet administrative targets rather than contribute to successful prosecutions.

- Prosecutors are incentivised to maximise conviction rates, often by avoiding weaker but strategically important cases.
- High-impact or complex matters stall because no part of the system is rewarded for doing difficult work.
- Resources flow toward volume rather than impact.
- Data does not reflect meaningful performance or public safety outcomes.
- The public sees rising crime and impunity despite reported “performance successes.”

4. Toward a Transversal Performance Framework

A coherent criminal justice system requires performance indicators that measure shared outcomes and create incentives for collaboration across institutions. Arguably, the most important of these is the conviction throughput rate – the proportion of recorded crimes that result in a conviction.

It must be recognised that changing to such a measure has an inherent challenge, as there are a significant number of undetected crimes, there may be significant delays between reporting and finalising a matter, and the measurement falls across departments and thus outside of the performance audit framework. There will also be a significant disparity between the conviction rates, mostly above 70%, and the throughput rates, which may be as low as 15% for certain crimes.

4.1 The conviction throughput rate as a system indicator

The conviction throughput rate reflects the entire system’s performance, from reporting of crime to investigation, prosecution and final adjudication. It captures:

- the completeness and quality of investigations;
- the appropriateness of charges;
- the effectiveness of prosecutorial decision-making;



- the efficiency of court processes; and
- the ability of the justice chain to hold offenders accountable.

It therefore provides a far clearer picture of whether the system is performing its core function: reducing impunity and enhancing public safety.

Adopting the conviction throughput rate measure would:

- incentivise thorough, prosecution-ready investigations;
- strengthen cooperation between investigators and prosecutors under PGI/PLI;
- encourage prosecutors to pursue cases of strategic importance, even where evidence requires further development;
- shift institutional focus toward system outcomes rather than internal outputs;
- provide the Executive and Parliament with a more accurate understanding of justice-chain performance; and
- improve public communication by offering a measure that aligns with citizen experience.

4.2 Additional transversal indicators

Complementary indicators could include:

- proportion of recorded serious and priority crimes with a prosecution decision;
- proportion of cases processed through PGI/PLI structures;
- case readiness and evidentiary sufficiency;
- time between docket submission and prosecutorial decision;
- repeat offending among priority offenders;
- alignment between investigative and prosecutorial priorities; and
- victim satisfaction and trust indicators.

These support the NPA's new prioritisation framework and enhance system accountability.


5. Foundational Work Already Done

Although transversal performance measurement has not yet been implemented, several policy developments, strategic reforms and operational innovations undertaken since 2019 provide a sound foundation for such a framework. These initiatives demonstrate growing recognition across justice-sector institutions that improved system alignment is essential to addressing serious crime and strengthening accountability.

Several initiatives already lay the groundwork for a transversal performance framework:

- The NPA's Prosecutorial Prioritisation Guidelines articulate a shift toward impact-driven outcomes.
- PGI and IDAC's PLI model offer operational mechanisms for improving investigative-prosecutorial alignment.
- System-level analyses highlight the limitations of conviction rates and make the case for throughput-based indicators.
- The September 2025 NPA-SAPS-DPCI leadership workshop underscored the need for joint planning, shared targets and coordinated operational strategies.
- Emerging oversight reforms, including proposals to strengthen the OEA's inspectorate function, offer tools for monitoring system-wide performance.
- Broader anti-corruption and justice-sector reform processes (including that of NACAC) emphasise the need for integrated measurement across the justice chain.





6. Recommendations/Considerations for the Incoming NDPP

- Engage SAPS, DPCI and court administration bodies to initiate the development of a shared justice-chain performance framework.
- Advocate for the adoption of conviction throughput as a core indicator for serious and priority crimes.
- Integrate prosecutorial prioritisation, PGI/PLI and case readiness standards into inter-agency performance discussions.
- Develop joint metrics for high-impact matters, including corruption, organised crime, extortion and GBV.
- Align NPA internal decision-making, resource allocation and performance management with impact-based objectives.
- Improve strategic communication around justice-chain performance to enhance public understanding and trust.



7. Conclusion

Misaligned performance measures are a central factor undermining the effectiveness of South Africa's criminal justice system. Without shared indicators, agencies continue to operate in silos, prioritising internal outputs over system outcomes. A transversal framework led by the NPA – centred on conviction throughput and supported by complementary indicators – would strengthen cooperation, improve case quality and enhance accountability across the justice chain.

For the incoming NDPP, championing the development of such a framework offers a significant opportunity to improve justice outcomes, reinforce prioritisation and PGI/PLI practices, and rebuild public confidence in the prosecution service and its partners.

A low-angle, upward-looking photograph of several modern skyscrapers. The sun is positioned at the top center, where the building facades converge, creating a bright sunburst effect with rays of light filtering through the glass and steel structures. The sky is a pale, hazy blue.

PART **D**

PERATIONAL DELIVERY AND SPECIALISED STRUCTURES





16. ASSET FORFEITURE AND CORPORATE ADRMs

1. Background and Strategic Role

Since its establishment in 1999, the Asset Forfeiture Unit (AFU) has played a central role in demonstrating the state's capacity to disrupt criminal economies and recover the proceeds of corruption and organised crime. The AFU is a high-impact lever for accountability, particularly in an environment where complex criminal prosecutions are lengthy, resource-intensive and often contested by well-resourced defendants.

In the post-State Capture period, the AFU's strategic value has increased. Asset recovery is one of the few areas in which the NPA can show rapid, measurable results. The AFU's contribution to major recoveries through both conviction-based and non-conviction-based forfeiture has helped rebuild public confidence in the criminal justice system and has supported the wider state effort to reverse the harms of State Capture.

The AFU's work also contributes directly to South Africa's commitments under the United Nations Convention Against Corruption and to FATF expectations on asset recovery, strengthening the country's international standing. Its partnership model – involving close cooperation with the SIU, SAPS/DPCI, FIC, SARS and international authorities – sits alongside the multi-disciplinary approach being developed elsewhere in the NPA.

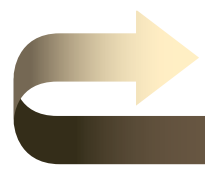
At the same time, the AFU operates in an increasingly complex and high-pressure environment. The AFU operates under leadership challenges, uneven regional capacity, and the growing technical sophistication required to pursue illicit financial flows, foreign bribery cases and cross-border asset recovery. These pressures, together with the introduction of Corporate ADRMs, require strong strategic direction from the incoming NDPP.

2. Corporate ADRMs as an Emerging Mechanism for Corporate Accountability

The NPA's Corporate ADRM directive potentially presents a significant shift in the prosecution of corporate corruption in South Africa. This approach, grounded in international practice and adapted for local conditions, allows the NPA to resolve complex corporate matters more efficiently while securing meaningful remediation, financial redress and cooperation that assists in the investigation and prosecution of individuals responsible for wrongdoing. ADRMs also provide a structured mechanism for assessing unlawful benefits, determining disgorgement and embedding compliance reforms within companies.

Although Corporate ADRMs have been incorporated into the NPA's Prosecution Policy Directives and are already being used in appropriate matters, the broader legislative framework has not yet been updated to support them. The Criminal Procedure Act does not currently provide for ADRM mechanisms, which creates uncertainty regarding standardised practice, judicial oversight and transparency. The South African Law Reform Commission is developing a new Criminal Procedure Act that is expected to include a statutory regime for Corporate ADRMs; this process is still underway. Until that framework is finalised, the NPA needs to continue to apply ADRMs cautiously, supported by strong internal governance and clear public communication about the legal basis and safeguards for their use.

The use of ADRMs, particularly in high-profile corruption matters, carries reputational and legal risk. Ensuring transparency, strong internal quality assurance, clear approval processes, and consistent public communication will be required to sustain confidence in the integrity of the Corporate ADRM system.



ADRM agreements need to embed genuine compliance reforms within companies. Leniency should be linked to meaningful remediation, voluntary disclosure and the provision of evidence that supports accountability for individuals involved in wrongdoing. The AFU, working closely with IDAC and the SCCU, should ensure that settlement terms include enforceable compliance measures and appropriate monitoring where required.

3. What the AFU Contributes to the NPA and the Justice System

3.1 A visible and immediate accountability mechanism

Forfeiture provides a rapid method of disrupting crime and recovering losses to the state. In recent years, the AFU has contributed to significant recoveries arising from complex corruption matters, including the return of unlawfully obtained benefits by major multinational firms implicated in State Capture-related schemes.

3.2 A force multiplier for complex corruption and organised crime cases

Asset recovery often requires a lower burden of proof than criminal prosecutions and can proceed even when witnesses are intimidated or when criminal trials are delayed. This supports the broader reforms on prioritisation and PGI by ensuring that the most serious cases generate tangible results even before conviction.

3.3 A central role in the NPA's emerging approach to corporate accountability

The AFU is the NPA business unit responsible for overseeing and implementing the NPA's Corporate ADRM policy.

3.4 Strengthening South Africa's ability to participate in multi-jurisdictional enforcement

Internationally coordinated forfeiture and settlement processes depend on credible, capable asset recovery teams. OECD guidance emphasises that negotiated settlements and non-prosecution decisions require strong asset assessment capability, transparent processes and effective cross-border cooperation. These features are central to the AFU's mandate.

3.5 Contributing to national revenue and supporting institutional legitimacy

Recovered assets support the fiscus (through their contribution to the CARA Fund) and help demonstrate that corruption does not pay. This aligns with the state's financial recovery efforts, complements the work of IDAC and supports the credibility of the NPA's broader transformation agenda.

4. Outstanding Work to Strengthen the AFU

4.1 Leadership stability and organisational coherence

The AFU has experienced uneven structural coherence, which has affected national coordination and the consistency of regional operations. Clearer strategic direction, stronger alignment between national and provincial teams, and more robust performance oversight are needed to ensure uniform standards of practice, effective prioritisation, and consistent delivery across the country.


4.2 Enhancing specialist skills in financial investigations

Asset recovery increasingly involves sophisticated financial flows, complex corporate structures and cross-border transactions. Addressing complex corporate wrongdoing requires significantly strengthened financial, forensic and compliance capabilities. The AFU's future effectiveness depends on expanding these specialist skills and integrating them more closely with investigative and prosecutorial teams across the NPA.

4.3 Improving coordination across the NPA and with external agencies

Effective forfeiture often depends on early cooperation with investigative teams. This reinforces the importance of competency in PGI, prioritisation processes and inter-agency protocols. There is, however, uneven coordination between AFU, IDAC, SCCU and the SIU. Strengthened cooperation agreements and routine joint planning are needed.





4.4 Expanding non-conviction-based forfeiture capacity

NPA strategic plans underline the growing importance of civil forfeiture to disrupt criminal networks and recover assets rapidly. However, such work requires skilled litigation teams and streamlined processes. Ensuring each Division has adequate resources and legal support is essential for maintaining momentum.

4.5 Strengthening internal governance and quality assurance for Corporate ADRMs

The use of Corporate ADRMs, particularly in high-profile corruption matters, carries reputational and legal risk. Ensuring transparency, and maintaining appropriate oversight are essential to preserving the legitimacy of these mechanisms.

4.6 Ensuring that recoveries translate into sustainable compliance improvements

Corporate ADRM agreements need to embed genuine compliance reforms within companies. Leniency should be linked to meaningful remediation, voluntary disclosure and the provision of evidence that supports accountability for individuals involved in wrongdoing. The AFU, working with IDAC and the SCCU, should ensure that settlement terms include enforceable compliance measures and appropriate monitoring where required.

4.7 Managing public expectations and reputational risks

Corporate ADRMs and high-value settlements will attract public scrutiny. Self-disclosure, cooperation incentives and partial penalties may be misunderstood as leniency. A consistent communication strategy will be needed to explain how these mechanisms support broader anti-corruption enforcement.

5. Recommendations/Considerations for the Incoming NDPP

- Stabilise AFU leadership and ensure clear national direction for regional units.
- Strengthen cooperation between AFU, IDAC, SCCU, SIU, FIC and SARS to support complex asset recovery.

- Expand specialist financial and forensic capacity within the AFU, aligned with broader capability enhancement efforts.
- Strengthen internal governance, approval processes and transparency for Corporate ADRMs.
- Ensure ADRM settlements embed compliance commitments and provide evidence supporting individual accountability.
- Continue to engage with the DoJ&CD and the South African Law Reform Commission to support the development of a statutory framework for Corporate ADRMs, ensuring alignment between the NPA's Prosecution Policy Directives and the emerging Criminal Procedure Act reform process.
- Prioritise high-impact cases and cross-border cooperation, consistent with FATF expectations.
- Improve public communication on settlements and forfeiture outcomes in a modest, factual manner.



6. Conclusion

The AFU is a strategic pillar of the NPA's anti-corruption and organised crime response. It delivers visible accountability, recovers significant assets for the state, removes assets from accused persons so they cannot be used to finance their legal defence, and plays a critical role in the emerging Corporate ADRM system. To sustain and expand this contribution, the AFU requires stable leadership, specialist capacity and closer integration with other NPA and state entities.



17. SPECIALISED UNITS OF THE NATIONAL PROSECUTIONS SERVICE (NPS): SCCU, SOCA, STU, OCC AND PCLU

1. Background and Strategic Role of the Specialised Units

The NPS' specialised units play a central role in delivering on the organisation's constitutional mandate to combat corruption, complex commercial crime, serious tax offences, sexual and gender-based violence, trafficking, cyber-enabled harms and organised crime. The Specialised Commercial Crime Unit (SCCU), the Specialised Tax Unit (STU), the Sexual Offences and Community Affairs Unit (SOCA), the Organised Crime Component (OCC) and the Priority Crimes Litigation Unit (PCLU) each address acute national priorities through specialised prosecutorial expertise, integrated partnerships with law enforcement and civil society, and tailored operational models.

All the specialised units in the office of the NDPP (National Office) have capacities within the Divisions that are responsible for prosecutions, except the regional capacities of the SOCA Unit, which only support prosecutions.

The relationship between the DPPs (heading each of the 10 Divisions) and the SDPPs is an important but complex one. The DPPs are responsible for

prosecutions and the prosecutors within their respective Divisions. The SDPPs provide support to the DPPs and prosecutors in the Divisions for effectively dealing with specialised matters, in a uniform way, as well as dealing with national coordination, stakeholder engagements and supporting the NDPP. The relationship between the heads of the specialised units at the national office and the Divisions is set out in a relationship framework document.

2. Achievements and Institutional Strengthening

SCCU

Key achievements include:

- successful prosecutions in high-value commercial crime, procurement fraud, corruption and cyber-enabled fraud;
- strengthened cooperation with SIU, FIC, SAPS and the banking sector;
- development of digital case-management tools and specialised training;
- national rollout of Commercial Crime Courts and

- contribution to FATF reporting through improved statistics, case studies and typology analysis.

SOCA

SOCA remains a global model of integrated, survivor-centred justice. Achievements include:

- growth of the Thuthuzela Care Centre network to more than 60 centres;
- improved conviction rates in priority GBVF matters;
- strengthened inter-sectoral protocols with SAPS, Health and Social Development;
- expansion of specialised training for prosecutors and multi-disciplinary partners; and
- strategic partnerships with donors, civil society and business for TCC upgrades and capacity support

STU

The STU is responsible for the prosecution of complex tax, customs and excise matters, including tax-related money laundering and exchange-control offences. Its work sits at the intersection of serious financial crime, organised crime and illicit financial flows, and has direct implications for state revenue protection and South Africa's international financial-crime obligations.

The Unit operates through a national programme with specialist tax prosecutors embedded across all Divisions. It works closely with SARS, the DPCI and other partners, with an increasing emphasis on early prosecutor involvement in investigations and structured inter-agency coordination in complex matters.

The STU makes an important contribution to South Africa's financial-crime enforcement architecture, including through its involvement in FATF-related work on tax-predicate offences. In recent years, it has expanded both its national footprint and its use of targeted initiatives to improve tax compliance and prosecution outcomes.

Key achievements include:

- establishment of a national specialist tax prosecution programme with specialist capacity embedded across all NPA Divisions;
- strengthened operational cooperation with SARS, DPCI, FIC and the Border Management Authority in complex tax, customs and excise matters;
- increased use of early prosecutor involvement in tax and tax-predicate money-laundering investigations;
- contribution to FATF processes through the development of tax-related case studies and predicate-offence reporting; and
- targeted compliance-focused prosecution initiatives aimed at improving tax enforcement outcomes and deterrence.

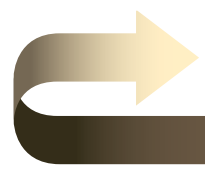
PCLU

The PCLU is responsible for coordination, guidance and support to the regions in their prosecution of terrorism, terror financing, contraventions of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, No. 33 of 2004 (POCDATARA), high treason, sedition, crimes contemplated under the implementation of the Rome Statute of the International Criminal Court Act, No. 27 of 2002, and other serious national and international crimes. Key achievements include their contribution to the FATF processes in dealing with terror financing (TF) and proliferation financing (PF).

OCC

Since its establishment, OCC has:

- developed national and provincial intake criteria and implementation plans;
- identified priority criminal markets across 11 illicit markets, including kidnapping, extortion, cybercrime, illicit mining and firearms trafficking;
- contributed extensively to FATF reporting;



- led integrated task teams through NPCOC, POCS and regional coordination forums;
- expanded racketeering expertise and multidisciplinary case planning; and
- advanced parallel financial investigations and collaboration with AFU.

The OCC is the only specialised capacity that does not have an SDPP coordinating at national level. Given the importance of organised crime, there needs to be an SDPP overseeing at national level. A decision had been taken to merge the PCLU and the OCC under a single SDPP; this is yet to be implemented.

3. Operational Performance and Impact

Across all specialised units, there has been:

- high conviction rates for complex commercial crime, GBVF matters, tax, terror financing and organised crime cases;
- better alignment between prosecutorial priorities and national crime threats;
- improved stakeholder relationships and operational integration;
- greater use of POCA, racketeering and asset forfeiture; and
- enhanced prosecutorial guidance during investigations.

The SCCU, STU and SOCA have delivered stable performance for several years, while the OCC is rapidly maturing and expected to significantly shift the NPA's impact on high-level criminal networks within the next two years. The focus of the PCLU is very narrow, but particularly critical in terms of international obligations and support to the NDPP as, in many instances, the NDPP is required to authorise prosecutions under the legislation falling within the mandate of the PCLU.

4. Governance, Resourcing and Leadership Issues

Persistent issues include:

- uneven staffing levels across regions;
- competition for highly skilled prosecutors;
- delays in forensic reports, cyber analysis and financial intelligence;
- case backlogs in special courts;
- dependence on donor-funded tools and training (particularly OCC and SOCA); and
- need for clearer national coordination mechanisms between SCCU, SOCA, OCC, IDAC and AFU.


5. Challenges and Outstanding Issues

Shared challenges include:

- insufficient permanent capacity;
- inadequate digital-forensic, cybercrime and financial-analysis support;
- safety threats against prosecutors;
- lengthy MLA and forensic processes;
- inconsistent regional stakeholder collaboration; and
- difficulty maintaining specialist skills due to attrition and workload.

SOCA faces persistent infrastructure pressures on TCCs, while SCCU, PCLU and OCC face mounting case complexity and FATF compliance demands. The STU and SARS cooperation has been effective, supporting the successful prosecution of complex tax related cases, as well as initiatives related to the non-submission of tax returns which has netted additional revenue collection. At the same time, the STU faces persistent constraints, including leadership vacancies, uneven capacity across Divisions and ongoing training and systems challenges. Ensuring stable leadership, adequate resourcing and closer alignment with broader organised-crime and anti-corruption strategies will be important considerations for the incoming NDPP.





6. SOCA's Evolving Role and Repositioning within the NPA

A significant issue emerging from the ongoing SOCA strategy process is the need to reconsider how specialist GBV expertise is deployed within the NPA. There has been growing recognition that complex and high-risk GBV matters are increasingly prosecuted within provincial Divisions, often without sufficient access to specialist support.

In this context, discussions have begun on repositioning SOCA to play a stronger enabling and support role for provincial DPP offices in complex GBV matters. This would entail moving beyond a predominantly centralised model towards a more integrated approach, in which SOCA provides structured prosecutorial guidance, case review support, escalation mechanisms and specialist advisory capacity to provinces dealing with particularly complex, sensitive or high-impact GBV cases.

Such a shift would be consistent with SOCA's mandate under the Presidential Proclamation and would strengthen the NPA's ability to manage GBV cases that present heightened legal, evidentiary, victim-management or public-interest risks. It would also align with broader institutional trends towards prosecutor-guided investigations and specialised support embedded closer to operational decision-making.

How the NPA resolves the question of SOCA's role – whether as a predominantly central policy and coordination unit or as a more operationally integrated specialist support structure – will have significant implications for the effectiveness of the national response to GBVF in the years ahead.

7. Recommendations/Considerations for the Incoming NDPP

- Support leadership in SCCU, STU, PCLU, SOCA and OCC, including establishing OCC as a fully resourced, structured unit;
- Advocate for a formal SDPP appointment for OCC or merge PCLU and OCC under a single SDPP;
- Clarify SOCA's positioning vis-à-vis provincial DPP offices in complex GBV matters;
- Strengthen accountability and escalation mechanisms for high-risk GBV cases;
- Stabilise resourcing and secure sufficient dedicated posts across all specialised units;
- Accelerate digital transformation, including cyber forensic capability and digital evidence workflows;
- Expand TCC capacity and survivor-focused partnerships;
- Institutionalise the Organised Crime Strategy through national hubs and clear performance indicators;
- Improve JCPS coordination, especially on racketeering, POCA and intelligence sharing.



8. Conclusion

The SCCU, SOCA, STU, PCLU and OCC represent the NPS' most advanced and strategically important prosecutorial capacities. They embody the institution's shift towards specialised expertise, stronger inter-agency collaboration, modern investigative-prosecutorial integration and survivor-centred justice. Their achievements over the past six years reflect the NPA's broader institutional rebuilding and its renewed commitment to impact-driven prosecution.

However, these units face growing demands and increasingly sophisticated crime threats, requiring sustained leadership attention, targeted investment, enhanced digital and financial-crime capabilities, and stronger coordination across the justice system. Ensuring the continued strengthening of SCCU, SOCA, STU, PCLU and OCC is essential for the NPA's credibility and its ability to protect the public from corruption, violence and organised crime.



18. DIVISIONAL OFFICES: NATIONAL OVERVIEW AND STRATEGIC SYNTHESIS

1. Mandate and Strategic Role

The ten Divisional Offices of the NPA, each led by a Director of Public Prosecutions (DPP), form the operational backbone of prosecution services across South Africa. They represent the institutional presence of the NPA in the provinces, ensuring that national priorities are translated into local action and that prosecutorial independence is upheld in all criminal courts.

These offices bear responsibility for leadership of prosecutions, inter-agency coordination, stakeholder engagement, community prosecution initiatives, and the management of complex and high-impact cases within their jurisdictions. They constitute the direct interface between national strategy and the realities of provincial crime patterns, court environments and resource constraints.


2. Overview of the National Divisional Landscape

South Africa's provinces reflect markedly different crime profiles, socio-economic conditions and institutional ecosystems. These variations shape the operational focus and resource pressures on each DPP.

Gauteng, with the Pretoria and Johannesburg Divisions, experiences high volumes of commercial crime, infrastructure-related crime, extortion, cyber-enabled offences and corruption. The Western Cape continues to grapple with entrenched gang violence, firearms proliferation and organised-crime networks linked to extortion and narcotics markets. KwaZulu-Natal carries a disproportionate burden of politically motivated killings and organised violence tied to local political and economic contests.

The Eastern Cape faces severe backlogs, rural violence and capacity constraints in geographically dispersed districts. The North West and Mpumalanga Divisions face significant challenges in relation to illegal mining, kidnapping for ransom and cross-border organised crime. Limpopo experiences substantial volumes of smuggling, wildlife trafficking and corruption linked to procurement and infrastructure. The Northern Cape and Free State face challenges relating to stock theft, GBV, violent crimes, infrastructure-related crimes, albeit in smaller caseloads.

Despite these differences, all Divisions share common pressures: high volumes of GBVF-related matters, limited prosecutorial resources, strained



relationships with investigative counterparts and persistent performance demands in an evolving crime landscape.

3. Key Achievements Across Divisions (2019–2025)

Across the provinces, several achievements stand out.

First, Divisions strengthened stakeholder relationships with SAPS, DPCI, SIU, Department of Social Development, Department of Health, traditional leaders and local civil-society groups. These relationships supported better case flow, improved victim support and more responsive community-engagement models.

Second, many Divisions advanced localised innovations. Examples include Early Dispute Resolution models in Gauteng, early community prosecution pilots in Gauteng and KwaZulu-Natal, backlog-reduction initiatives in the Free State and Eastern Cape, firearms-strategy implementation in the Western Cape, and cross-border crime teams in Limpopo and Mpumalanga.

Third, Divisions made visible contributions to high-impact national priorities. Western Cape improved prosecutions relating to gang violence and extortion networks. KwaZulu-Natal's leadership of political-killings cases strengthened the NPA's national posture in this area. Gauteng's Pretoria and Johannesburg Divisions played central roles in corruption, infrastructure crime, commercial crime and cyber-fraud matters. Limpopo, Mpumalanga and North West contributed to national efforts against illegal mining, kidnapping and wildlife trafficking.

4. Performance, Operational Capacity and Regional Variations

The Divisions report significant variations in caseload pressure, court capacity and operational capability.

Persistent backlogs remain a challenge in the Eastern Cape, Free State and parts of the Northern

Cape. High-volume courts in Western Cape, KwaZulu-Natal and Gauteng face continuous pressure from GBVF matters, firearms cases and complex organised-crime dockets. Variations in forensic turnaround times, especially in Divisions reliant on under-resourced SAPS laboratories, continue to hinder progress in serious matters.

Vacancy rates and difficulty attracting or retaining experienced senior prosecutors remain common across Divisions, particularly outside major metropolitan centres. Digital readiness also varies sharply; while some Divisions have adapted more quickly to digital workflows and the demands of cyber-enabled crime, others struggle with limited infrastructure, unreliable connectivity and insufficient training.

Regions such as Limpopo, Mpumalanga and North West face persistent challenges related to cross-border organised crime, including smuggling, trafficking and illegal mining, requiring closer alignment with the OCC and the AFU. Gauteng's Divisions continue to experience heavy demands from corruption, commercial crime and extortion cases linked to infrastructure sabotage.

5. Governance, Leadership and Institutional Culture

Divisional reports consistently highlight the centrality of leadership stability. Where DPPs and senior managers have provided consistent guidance, Divisional offices show clearer strategic alignment, improved performance and stronger inter-agency relationships. Conversely, Divisions that experienced prolonged vacancies or acting arrangements reported challenges in morale, communication and strategic coherence.

Leadership style and engagement practices have a direct effect on performance culture. Provinces that held regular performance dialogues, strengthened internal monitoring and engaged proactively with prosecutors reported improvements in consistency, teamwork and responsiveness. Divisions also noted that ethical leadership and



transparency about decision-making fostered trust and helped restore the NPA's internal integrity.

6. Cross-Cutting Challenges Identified by Divisions

The Divisions report clear, recurring themes:

- Delays in securing forensic reports remain a major obstacle in GBVF, firearms, organised crime and wildlife trafficking matters. ICT limitations hinder docket management, remote consultations and preparation of digital evidence. Many Divisions face inadequate court infrastructure, including insufficient interview rooms, storage space and unsafe conditions for prosecutors.
- Docket-quality challenges and significant dependencies on SAPS and forensic services.
- All provinces report safety concerns and threats against prosecutors, especially in gang-violence, extortion, political-killings and corruption matters. Collaboration with SAPS Crime Intelligence and DPCI is inconsistent, affecting early warning and threat assessments.
- Limited specialist capacity undermines the handling of complex matters. Attrition of experienced prosecutors continues to weaken continuity in high-risk cases. Regions report limited capacity to prosecute cyber-enabled crime and insufficient training in digital evidence handling.
- GBVF matters continue to dominate dockets and strain prosecutorial capacity. While Thuthuzela Care Centres support victim-centred services, several Divisions highlight gaps in after-hours forensic services, psychosocial support and investigative capacity.
- The integrated Electronic Case Management System (ECMS) which was developed as part of the Integrated Justice System (IJS) continues to face challenges, both at a technical level (a major issue being connectivity) and at an operational level (a challenge is that the SAPS still operate largely on paper-based dockets). As

a consequence, reliance is placed on manually recorded statistics by prosecutors in addition to the ECMS information to ensure the reliability of performance information. This has caused major challenges with the audit process. Much has been done to address this, but it is not sustainable; a fully integrated IJC docket management system throughout the CJS is critical.

7. Lessons Learned from Provincial Experiences

Several lessons emerge from Divisional practice over the past six years:


- Strong local partnerships significantly enhance prosecutorial outcomes, particularly in rural settings or areas marked by high community mistrust. Strategic focus and clarity of direction from national leadership improve consistency between Divisions and help anchor prosecutorial priorities in local realities.
- Adaptability is crucial. Divisions that adjusted their approaches to local crime patterns, community dynamics and resource constraints showed more sustainable results. Leadership visibility and clear communication matter deeply: Divisions emphasised that internal engagement, recognition of staff efforts and consistent messaging strengthened morale and accountability.
- Provinces confirmed that national initiatives such as community prosecution, firearms strategies, backlog programmes and cross-border cooperation are most effective when accompanied by local operational leadership and appropriate resourcing.

8. Strategic Implications for the Incoming NDPP

The Divisional landscape carries several implications for national leadership:

- Resource allocation must account for significant regional disparities. Divisions facing high





crime complexity or volume, such as Gauteng, Western Cape and KwaZulu-Natal, require proportionate support. Divisions addressing cross-border crime and illegal mining require closer integration with the OCC and AFU.

- The incoming NDPP will need to address performance management by ensuring that national priorities are translated into clear, measurable expectations at Divisional level. This includes reinforcing leadership accountability, improving monitoring tools and addressing persistent weaknesses in case flow and backlog management.
- Modernisation efforts must reflect provincial realities. Digital transformation can only take hold if Divisions have functional ICT infrastructure, training and workflow tools that support prosecutors facing cyber-enabled crime and complex digital evidence.
- Consistent inter-agency collaboration is essential. The NPA requires stronger relationships with the State Attorney, SAPS, DPCI SIU and other justice-sector partners to reduce delays, improve investigation quality and enhance integrated approaches to priority crime.
- Divisions need support to manage the safety and well-being of prosecutors. Threats and attacks on prosecutors undermine both independence and operational effectiveness and must be addressed through improved security protocols and cooperation with law-enforcement partners.
- Ensuring the delivery of the IJS programme and addressing the operational challenges and processes across the Departments involved is necessary to ensure the Electronic Case Management System (ECMS) can become the source of reliable data for monitoring and reporting on performance.



9. Conclusion

The ten Divisional Offices reflect both the diversity of South Africa's crime landscape and the uneven capacity of institutions across the justice chain. They also demonstrate resilience, innovation and localised leadership that have contributed meaningfully to national priorities during the 2019–2025 term. The Divisions now operate from a more stable institutional base, but sustained improvement requires targeted support, consistent national guidance and greater investment in capability, infrastructure and inter-agency cooperation.

The incoming NDPP inherits a network of provincial offices that are committed, experienced and increasingly aligned with national strategic goals. With strengthened leadership, improved resourcing and clearer performance frameworks, the Divisional Offices are well positioned to drive the next phase of organisational improvement and prosecutorial excellence.



19. COMMUNITY PROSECUTION INITIATIVE

1. Background and Strategic Rationale

Community Prosecution is a key component of the NPA's shift toward a more proactive, prevention-oriented and community-responsive model of justice. Recognising that prosecutions alone cannot address the scale and complexity of crime in South Africa, the CPI strengthens the NPA's ability to work collaboratively with communities, SAPS, local government and civil society to address crime drivers and improve perceptions of safety, focussing on a proactive, long term sustainable approach to the crime problem.

The NPA's Strategic Plan 2020–2025 identifies community prosecution as a priority area supporting its vision of enhancing access to justice for marginalised communities. CPI also reflects the NDPP's emphasis that of the millions of serious crimes committed annually, only a small proportion reach prosecution, and that strategic partnerships and preventive interventions are essential to improving overall justice outcomes.

The CPI draws on international models, the NPA's earlier 2006–07 pilots and the renewed implementation from 2020 onwards. Its core aim is to situate prosecutors within communities, enabling them to address local crime concerns, identify habitual offenders and collaborate on problem-solving interventions.

2. Conceptual Foundations and Strategic Purpose

Community prosecution is a collaborative, solutions-oriented approach. The prosecutor's role extends beyond court proceedings to identifying local crime problems, convening stakeholders, designing interventions and supporting strategic prosecutions informed by community insight.

The primary objectives are to:

- develop and implement community-based crime prevention strategies;
- strengthen partnerships with SAPS, local government, civil society and community structures;
- identify local repeat offenders and systemic crime drivers;
- improve perceptions of safety and confidence in the justice system;
- support strategic prosecutions by improving witness cooperation and local intelligence; and
- promote community understanding of legal processes and victims' rights.

CPI therefore complements other NPA reforms, including PGI and efforts to improve victim engagement and public trust.



3. Implementation and Evaluation Findings

From 2021 to 2023, Mthente Research & Consulting evaluated CPI implementation across 22 sites nationally. This evaluation, together with observations from 2022 and 2023 CPI workshops, provides a clear picture of the initiative's achievements and challenges.

3.1 Strengths and Achievements

The evaluation found:

- strengthened relationships between prosecutors, communities and SAPS;
- improved community confidence in the NPA where prosecutors were visible and engaged;
- identification of repeat offenders and local crime networks through sustained community presence;
- improvements in witness cooperation and case readiness;
- reduction of targeted crimes through collaborative interventions such as by-law enforcement operations, environmental design changes, awareness campaigns and hotspot monitoring; and
- increased access to justice for vulnerable communities through legal education and referrals to support services.

These results show CPI's potential to improve both safety outcomes and the effectiveness of prosecutions.

3.2 Key Challenges

Challenges identified include:

- uneven implementation across provinces and sites;
- variable SAPS cooperation at station level;
- limited resources for travel, outreach and coordination;
- lack of clear performance measures for CPI activities;

- high turnover of designated prosecutors affecting continuity;
- difficulties balancing CPI responsibilities with court roll demands; and
- inconsistent integration of CPI insights into prosecutorial prioritisation and PGI.

These challenges mirror broader organisational constraints described in other sections of this report.

4. CPI Operating Model

CPI designates prosecutors to specific communities or clusters to carry out both prosecutorial and community-oriented functions. The model requires:

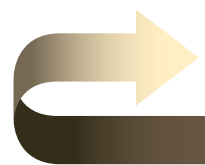
- a structured site engagement plan;
- sustained collaboration with SAPS, local authorities and community structures;
- identification of local safety concerns and crime enablers;
- problem-solving interventions addressing root causes or persistent offenders;
- integration of CPI insights into strategic prosecutions, prioritisation and PGI; and
- regular feedback to communities to strengthen trust and accountability.

Recent monthly CPI reporting shows a range of maturity across sites. Stronger sites demonstrate robust partnerships, predictable communication and well-developed intervention plans, while others are still establishing foundational practices.

5. Outstanding Work and Institutional Priorities

5.1 Strengthening coordination with SAPS and local government

CPI depends on effective partnership with SAPS stations, municipal departments and by-law enforcement. Support remains uneven, undermining problem-solving interventions and limiting the sustainability of gains.



5.2 Integrating CPI with other NPA reforms

CPI insights on habitual offenders, crime facilitators and community dynamics should feed into prioritisation, PGI and specialised prosecution strategies. Integration remains inconsistent across regions.

5.3 Ensuring sustained leadership and continuity

Prosecutor turnover disrupts community relationships and weakens intervention continuity. Structured handovers and managerial oversight are essential.

5.4 Building capacity and providing adequate resourcing

CPI requires dedicated resources for transport, partnership engagement and community activities. Training in facilitation, community engagement and multi-stakeholder problem-solving remains limited.

5.5 Establishing performance measures and monitoring

CPI lacks standardised indicators to measure outcomes, impact and community safety improvements. The OEA's developing inspectorate function may assist in establishing service delivery standards for CPI sites.

5.6 Clarifying the model's scope and expectations

Some prosecutors expressed uncertainty about the boundaries of CPI duties. Clear expectations and minimum standards are needed to ensure consistent practice across all regions.

6. Recommendations/Considerations for the Incoming NDPP

- Strengthen national and Divisional governance arrangements for CPI to ensure consistent implementation across provinces.
- Integrate CPI more systematically with prioritisation, PGI and the Organised Crime Strategy where community-level insights identify high-impact offending.

- Ensure CPI is adequately resourced, including funding for travel, community outreach and multi-agency operations.
- Expand training for prosecutors in community engagement, facilitation, partnership management and problem-solving.
- Develop performance indicators and monitoring tools to assess CPI outcomes.
- Strengthen cooperation with SAPS, municipal structures and civil society to support sustainable interventions.
- Promote continuity of prosecutors in CPI roles and ensure structured handovers when personnel changes occur.
- Improve visibility and communication to enhance public trust and reinforce the NPA's commitment to safer communities.



7. Conclusion

The Community Prosecution Initiative has established itself as a promising and innovative approach to improving safety, strengthening justice and rebuilding community trust. The evaluation findings show clear benefits where implementation is supported, coordinated and consistent. The next phase demands further consolidation: stronger leadership, better integration with other reforms, targeted capacity building and sustained investment.





20. LEGAL AFFAIRS DIVISION

1. Mandate and Strategic Role

The Legal Affairs Division (LAD) plays a central role in safeguarding the NPA's institutional integrity and legal accountability. Its core mandate is to manage civil litigation arising from prosecutorial decisions and provide legal advice across the organisation. LAD handles claims relating to malicious prosecution, unlawful detention, breach of public-law duties and defamation, while also advising on contractual matters and legal risks that affect the NPA's operations.

The volume, complexity and sensitivity of litigation have grown substantially in recent years, placing LAD at the centre of protecting the NPA's institutional position and financial exposure. The rise in interlocutory applications aimed at delaying or disrupting high-profile prosecutions has also increased the need for reliable legal support to prosecutorial teams.

2. Capacity and Organisational Structure

Since 2023/24, LAD has been headed by a Special Director of Public Prosecutions responsible for national oversight of civil claims and litigation risk. The Division worked under the supervision of the DNDPP: AFU. However, since the retirement of the DNDPP: AFU in September 2025, the SDPP reports directly to the NDPP. To strengthen responsiveness, LAD created 34 regional capacity posts, providing local support to prosecutors, improving case monitoring and enhancing day-to-day engagement with the Office of the State Attorney. This model is intended to reduce avoidable costs, improve oversight and ensure better coordination between national, regional and local levels.

3. Stakeholder Engagement and External Dependencies

LAD's performance is significantly shaped by the operational efficiency of the Office of the State Attorney. Persistent challenges – including unfilled vacancies, inconsistent file management, delays due to procurement constraints and ongoing connectivity issues – continue to heighten litigation risks for the NPA. These systemic weaknesses have contributed to increases in default judgments and cost orders.

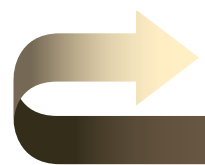
To mitigate these risks, LAD has implemented several measures, including:

- establishing liaison officers to resolve bottlenecks;
- initiating a task team with SAPS and the State Attorney to streamline procedures;
- compiling a vetted counsel database for rapid briefing in complex matters; and
- supporting training initiatives for prosecutors on civil-risk issues.

4. Performance Overview

The NPA has experienced a marked escalation in civil claims. In 2012/13, the institution recorded 509 claims and anticipated claims. By 2024/25, this number reached 2,407 new matters, including 1,558 delictual claims – the highest recorded. This reflects increased public litigation, delays in response by the State Attorney, and the use of civil actions as a tactic in politically sensitive matters.

Despite the workload, LAD maintained an average success rate of around 80 percent in matters finalised during 2019–2025. Annual delictual payouts averaged R4.1 million, though this figure



would have been lower but for preventable default judgments arising from administrative failures in correspondent offices.

5. Key Challenges

Persistent challenges include:

- recurring default judgments linked to failures by the State Attorney's office;
- escalating volume and complexity of litigation;
- increasing use of civil claims to challenge or delay high-profile prosecutions;
- administrative and capacity constraints within the State Attorney's office;
- insufficient digital systems for litigation management;
- growing litigation intensity in extradition matters, including appeal and review proceedings that delay surrender; and
- legal uncertainty flowing from extradition jurisprudence, including the unresolved question of the retrospective effect of the SCA's May 2024 judgment and the resulting risk to pre-existing extradition requests.

6. Recommendations/Considerations for the Incoming NDPP

- Strengthen high-level engagement with the Solicitor-General and the Minister of Justice to address systemic failures in the Office of the State Attorney that continue to expose the NPA to unnecessary risk, including default judgments and procedural delays.
- Consolidate and fully resource the regional LAD capacity model to ensure consistent monitoring of civil claims and improved coordination with prosecutors and DPP offices.
- Accelerate the development and rollout of a digital litigation-management system to enable real-time tracking of matters, identify early-warning signs and reduce administrative burdens.
- Support annual training, in collaboration with the South African Judicial Education Institute (SAJEI) and Bar Councils, on malicious prosecution, unlawful detention, interlocutory litigation and civil-risk fundamentals.

- Institutionalise regular litigation-risk reviews at ManCo level to integrate civil-risk awareness into leadership decision-making and ensure timely interventions.
- Strengthen coordination with SAPS Legal Services, particularly in cases where both institutions are cited, to improve consistency in defence strategy and reduce duplicative effort.
- Ensure structured coordination between LAD, the International Cooperation Component, and the Ministry and Department of Justice on extradition practice, particularly in light of the SCA judgment of May 2024 and pending Constitutional Court judgments, to reduce procedural vulnerability and manage systemic risk across matters.



7. Conclusion

Civil litigation presents a significant and growing institutional risk for the NPA. LAD has strengthened its capacity and systems but rising claim volumes and systemic weaknesses in the State Attorney's office mean continued vigilance is essential. At the same time, the NPA's international cooperation workload has grown in volume and complexity, and recent extradition litigation has shown how procedural uncertainty can produce systemic consequences affecting multiple high-profile matters.

The incoming NDPP will need to prioritise litigation risk as part of broader organisational governance, ensuring that LAD's protective function is reinforced and that the NPA's international cooperation practice is legally robust, coordinated and resilient to strategic litigation.





21. INTERNATIONAL AND REGIONAL COOPERATION

1. Mandate and Strategic Role

The NPA's participation in international and regional prosecutorial and law-enforcement fora has become an increasingly important component of its mandate, particularly in the context of complex corruption, organised crime and asset recovery matters with cross-border dimensions. These engagements serve both operational and strategic purposes: facilitating cooperation in individual cases, contributing to the development of international standards, strengthening professional networks, and positioning South Africa as a credible and active partner in global and regional anti-corruption efforts.

As transnational corruption and organised crime have grown in scale and sophistication, the NPA's effectiveness has become progressively more dependent on timely and reliable cross-border cooperation. Participation in multilateral

prosecutorial networks and treaty-based processes supports mutual legal assistance (MLA), extradition, informal intelligence-sharing and peer learning, all of which are essential to the successful investigation and prosecution of serious economic and organised crime.

2. Institutional Participation and Representation

The NPA is represented in a range of international, continental and regional structures directly relevant to its prosecutorial mandate.

At the international level, the NPA is an organisational member of the International Association of Prosecutors (IAP). The NDPP serves on the IAP's Executive Committee as one of its Vice Presidents, reflecting both the standing of the South African prosecutorial service within the global community and the NPA's active contribution to international prosecutorial discourse and governance.



South Africa is a party to the Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and participates in the OECD Working Group on Bribery. A multi-disciplinary task team, co-chaired by the DPCI and the SCCU and comprising the NPA and other key agencies, coordinates South Africa's engagement with the OECD. The NPA has participated in on-site evaluations and contributes technical expertise, including through AFU staff serving as assessors.

The NPA also plays a central role in South Africa's engagement with the Financial Action Task Force (FATF). The Head of the Organised Crime Component represents the NPA at FATF, and the NPA leads the FATF Law Enforcement Workstream, with internal participation from SCCU, AFU, PCLU, OCC and IDAC, and participation from key law enforcement agencies (SAPS, DPCI, SSA, FIC, SARS, etc). This work has been critical to demonstrating South Africa's capacity to investigate and prosecute money-laundering and related predicate offences.

In relation to the United Nations Convention against Corruption (UNCAC), the NPA contributes to country self-assessments and peer review processes and participates in relevant international working groups. Alongside the DPSA as national coordinating entity, the NPA engages in the G20 and BRICS Anti-Corruption Working Groups and in the UNODC Working Group on International Cooperation.

The NPA has also played a leading role in the GlobE Network, a global platform designed to facilitate rapid, informal cooperation between anti-corruption authorities. South Africa successfully lobbied for election to the Network's Steering Committee to represent the African region, with the DNDPP: Strategy, Operations and Compliance serving in this capacity. Participation in the GlobE Network has enabled informal engagement to function as a precursor to formal MLA and extradition processes in complex transnational cases.

At the continental level, the NPA is represented in the African Prosecutors' Association (APA), where it serves as an additional member of the Executive Committee. The NPA has actively participated in recent AGMs and conferences, sharing South African experience and good practice, including in areas such as environmental crime and victim-centred prosecution models.


Regionally, the NDPP supported and participated in the formal establishment of the Southern Africa Heads of Prosecution (SAHOP) forum, which brings together heads of prosecution services from SADC member states. SAHOP has provided an important platform for strengthening both informal and formal cooperation, aligning regional priorities, and addressing operational challenges in MLA and extradition matters. The NPA has been actively involved in shaping SAHOP's governance structures and action plans and has used the forum to facilitate follow-ups on outstanding cooperation requests.

In the asset recovery domain, the AFU continues to play a leading role in the Asset Recovery Inter-Agency Network of Southern Africa (ARINSA), serving in the secretariat and coordinating cross-border cooperation and capacity-building initiatives. Through ARINSA, the AFU has delivered tailored training and technical assistance to regional counterparts and strengthened practical cooperation in tracing, freezing and confiscating proceeds of crime.

3. Strategic Significance for Prosecutorial Effectiveness

Participation in these international and regional fora has enhanced the NPA's operational reach and strategic influence. It has facilitated access to informal cooperation channels, strengthened professional relationships with counterpart authorities, and contributed to the development of shared standards and good practice in areas such as asset recovery, anti-bribery enforcement, money-laundering prosecutions and victim-centred justice.





Equally important, active engagement in multilateral processes has reinforced the NPA's institutional credibility, both domestically and internationally. Demonstrable participation in treaty monitoring, peer review and regional cooperation mechanisms has strengthened South Africa's standing and helped to rebuild confidence in the NPA's capacity and commitment in the aftermath of State Capture.

4. Mutual Legal Assistance, Extradition and Institutional Risk

The NPA's expanding reliance on cross-border cooperation has also increased the strategic importance – and legal sensitivity – of mutual legal assistance and extradition work. While the International Cooperation Component is located within the Office of the DNDPP: NPS, the legal, procedural and litigation risks arising from MLA and extradition processes intersect directly with the NPA's prosecutorial effectiveness, institutional credibility and exposure to adverse cost and reputational consequences.

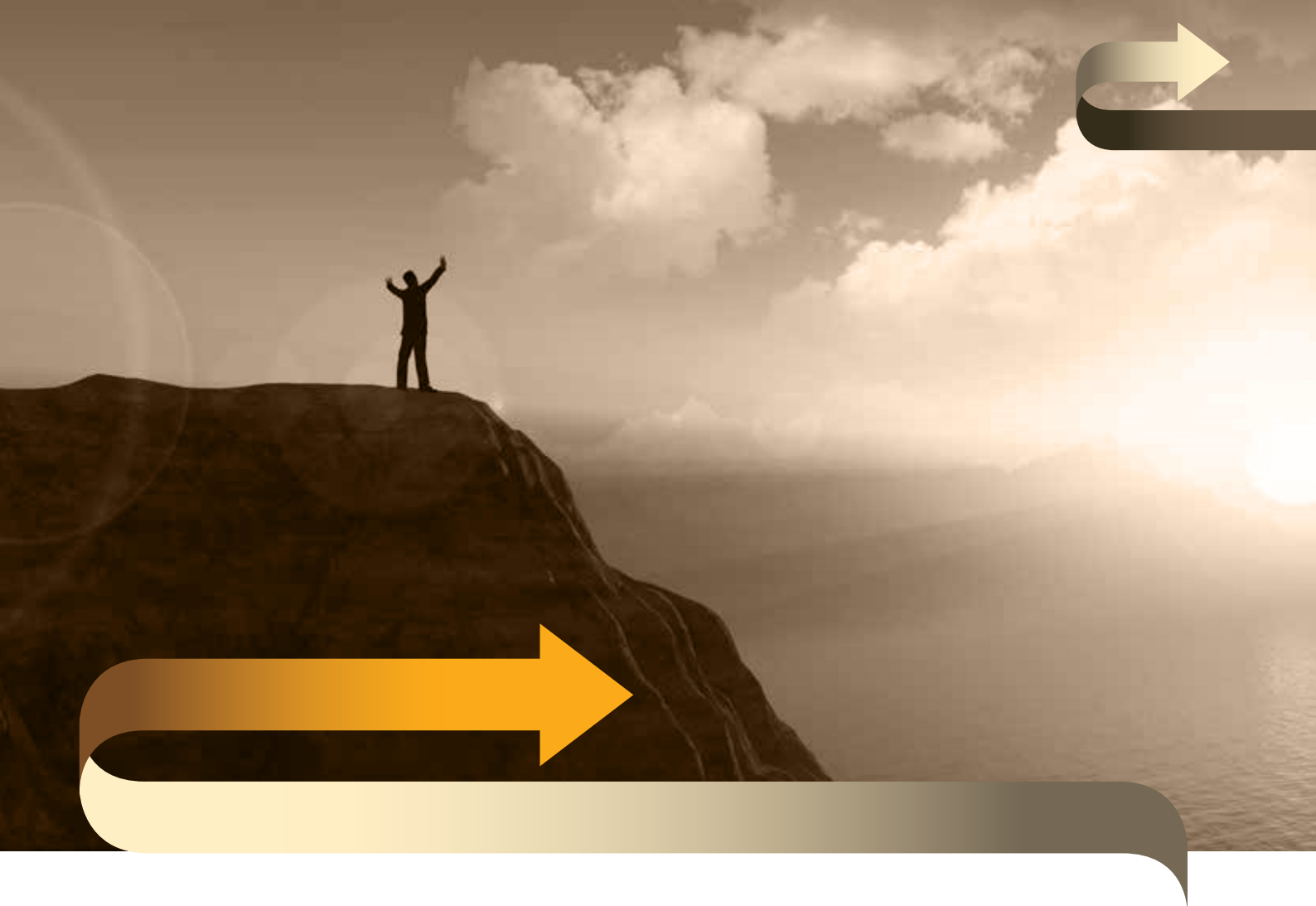
Delays, procedural defects or adverse court findings in extradition and MLA matters can undermine complex prosecutions, attract significant cost orders, and damage confidence in the NPA's competence and good faith. As international cooperation becomes more central to corruption and organised crime cases, the management of these risks – including close coordination between prosecutorial teams, international cooperation specialists and legal support functions – has become an increasingly important aspect of institutional governance.

5. Recommendations/Considerations for the Incoming NDPP

For the incoming NDPP, international and regional engagement should be viewed not as peripheral diplomacy, but as a core enabler of prosecutorial effectiveness. Priorities include sustaining high-level participation in key fora, ensuring continuity of representation where leadership transitions occur, strengthening internal coordination on MLA and extradition matters, and aligning international cooperation work more closely with strategic prosecutorial priorities.

As cross-border cases continue to grow in complexity and frequency, the NPA's ability to manage international cooperation effectively – while mitigating legal and reputational risk – will remain a critical determinant of its success in tackling serious corruption and organised crime.






22. CLOSING REFLECTIONS AND THE PATH AHEAD

As this handover report draws to a close, it is fitting to reflect on the journey the NPA has undertaken over the past seven years and on the work that still lies ahead. This report has sought to provide an honest account of the institution's journey, reflecting on both achievements and shortcomings, its areas of resilience and its points of vulnerability, and the practical realities that the incoming leadership will confront.

The period from 2019 to 2026 has been one of repair, renewal and gradual strengthening. The NPA confronted a difficult inheritance marked by instability, weakened governance, politicisation and eroded public trust. Through sustained leadership attention, strengthened integrity systems, the rebuilding of specialist capability and deeper engagement with partners inside and outside the state, the organisation has regained much of its institutional footing. In many areas, the NPA is stronger today than it has been at any point since its earliest years.

Yet the work is far from complete. Many of the gains achieved during this period remain fragile. Capacity constraints, uneven performance across Divisions, backlogs in high-volume courts, dependency on other justice-sector partners, and ongoing threats to the safety of prosecutors continue to limit the NPA's impact. Modernisation efforts have begun but will require sustained investment and long-term institutional commitment. The threats facing South Africa's justice system are evolving rapidly, and the NPA must continue adapting if it is to fulfil its constitutional mandate.

Across the sections of this report, several themes recur. First is the enduring importance of prosecutorial independence as the foundation of public confidence in the criminal justice system. Independence is not a static condition; it is a daily practice anchored in leadership, culture, integrity and the willingness to act without fear, favour or prejudice.



Second is the centrality of people. The NPA's prosecutors, asset recovery specialists, investigators, analysts, administrators and support personnel are its greatest asset. Their commitment and resilience have carried the institution through difficult times, and they deserve ongoing encouragement, protection and professional support.

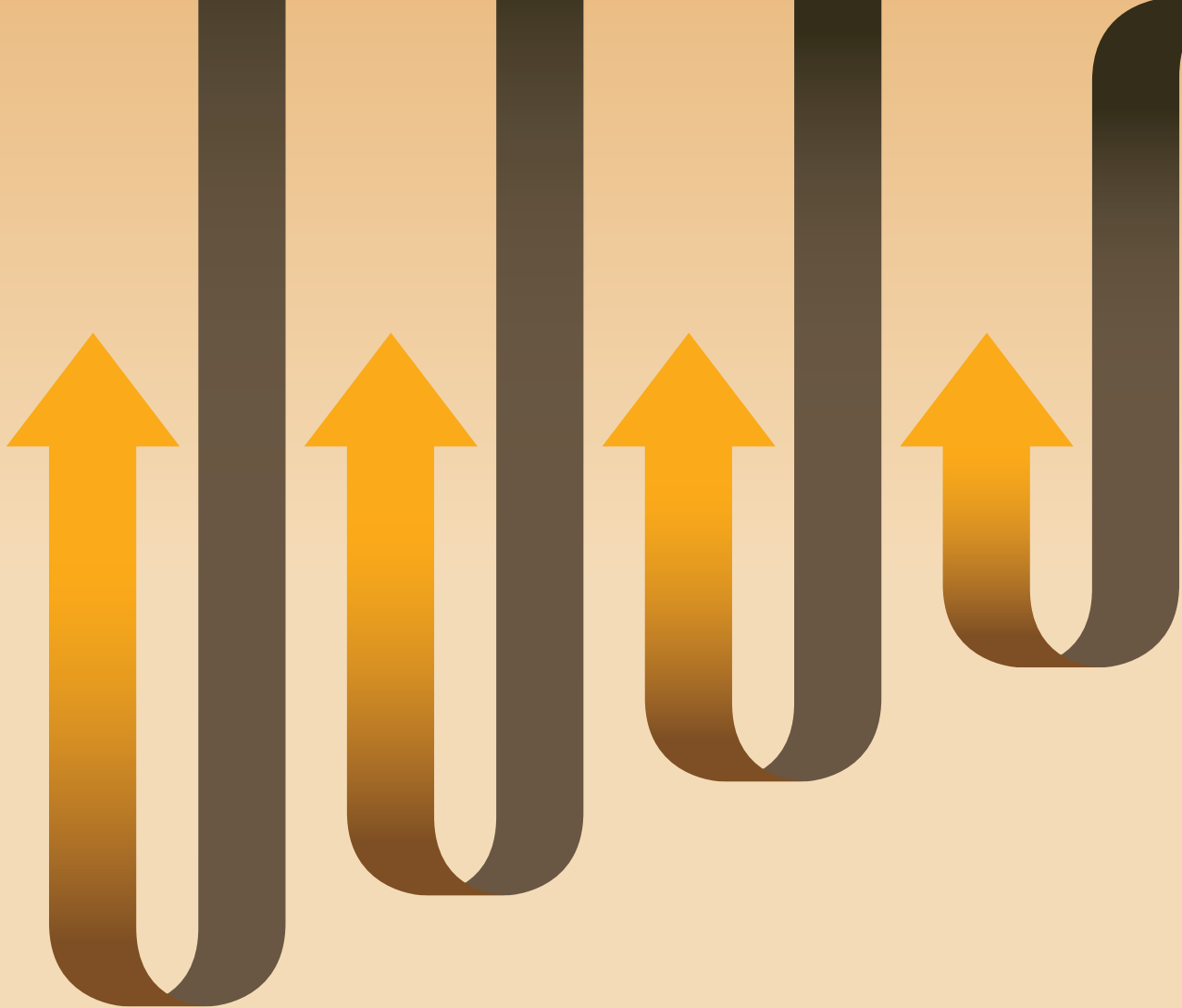
Third is the necessity of partnership. The NPA does not operate alone; its success is inseparable from the performance of the wider justice chain and from its relationships with civil society, private-sector partners and communities.

Finally, this report underscores the importance of continuity and steady leadership. The organisation has regained a measure of stability, and the incoming leadership team has the opportunity to consolidate this progress, deepen reforms and guide the NPA into a period of more consistent performance and modernisation. The decisions made in the next several years will shape not only the institution but the country's broader fight against corruption, organised crime and violence.

This handover report is offered in a spirit of stewardship and institutional care. Its purpose is not only to record what has been done but importantly, to support what must still be achieved. The NPA stands at an important moment in its development, with the opportunity to build on the foundations laid during the past seven years and to move with clarity, confidence and integrity into the next phase of its work.

To the incoming leadership team, the task ahead is demanding but essential. May these reflections assist you as you chart the path forward, and may the values that underpin the NPA's mission continue to guide the institution in service of justice and the Constitution, and the people of South Africa.





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