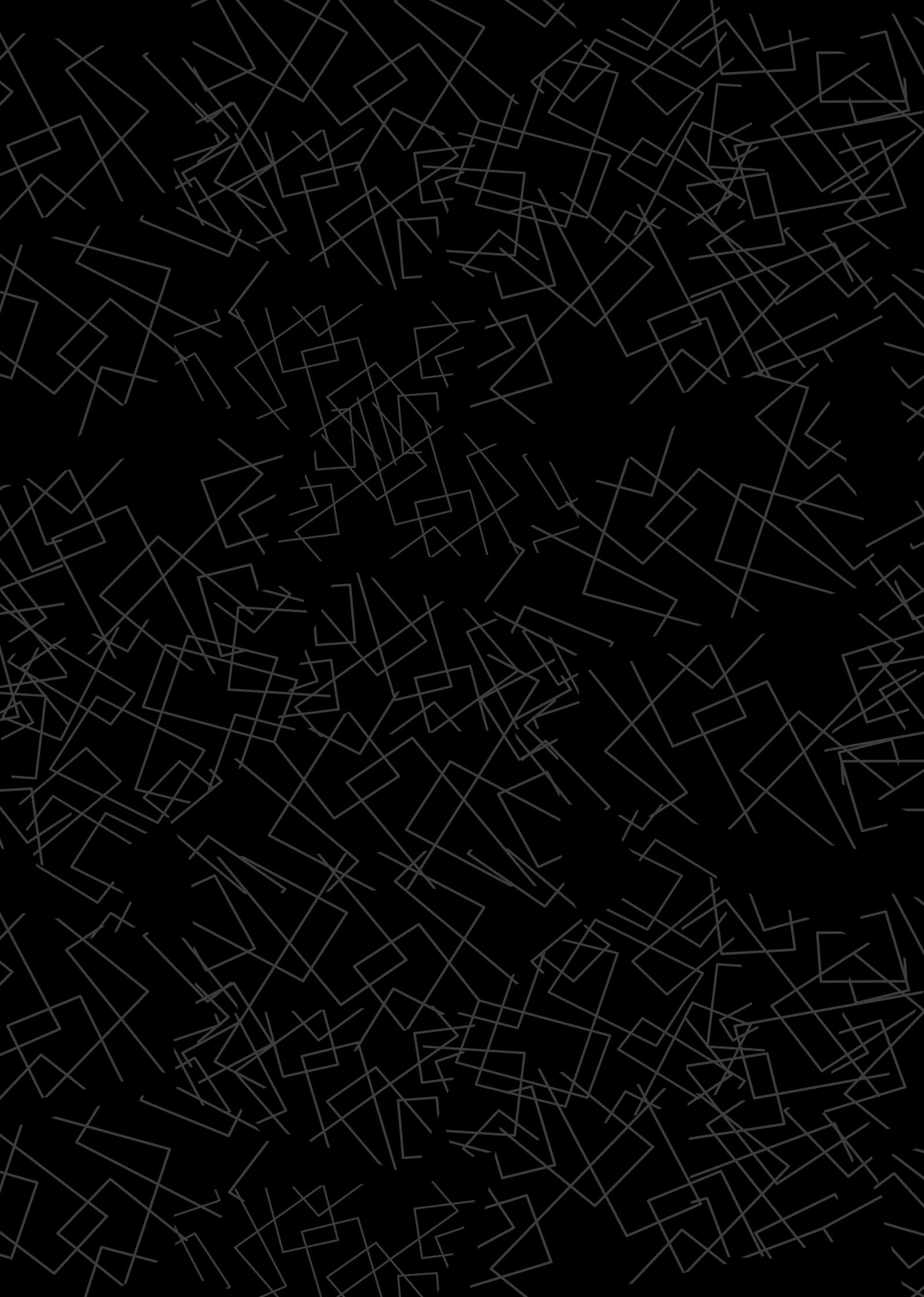


# STRATEGIC PLAN 2025-2030



National Prosecuting Authority  
South Africa

**CONSOLIDATING AND FUTURE-  
PROOFING NPA'S CONTRIBUTION  
TOWARDS A CAPABLE, ETHICAL  
AND DEVELOPMENTAL STATE.**



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## Foreword by the National Director of Public Prosecutions

Adv. Shamila Batohi | National Director of Public Prosecutions

Shortly after my appointment as National Director in early 2019, I acknowledged the deep crisis facing South Africa's criminal justice system. Years of state capture, entrenched corruption, and institutional neglect had eroded public trust, weakened our justice institutions, and severely compromised the National Prosecuting Authority's (NPA) ability to deliver justice. In response, we committed to a path of reform – one defined by integrity, independence and professionalism. I took over the leadership of an organisation that had not recruited new capacity for years; a staff of dedicated prosecutors and support services that had been battered and bruised by years of political interference and neglect; and an organisation starved of resources by design.

Five years on, I am proud of how the NPA has navigated this challenging but purposeful journey. It has not been without setbacks, and we have faced harsh criticism at times. South Africans set the bar for the rule of law high, and we should. But the progress made is substantial. The NPA today is more resilient, capable and accountable than it was in 2019. We have moved from stabilisation to consolidation, strengthening our internal foundations while beginning to demonstrate tangible impact in the fight against complex and serious crime.

Our rebuilding efforts have been guided by the NPA's strategic pillars of Independence, Professionalism, Accountability and Credibility (IPAC). These principles have informed a wide range of institutional reforms, strategic investments and operational changes that lay the foundation for a modern and responsive prosecuting authority. We have infused innovation into all aspects of the NPA's work, guided by local and international best practices, and responsive to the ever-changing and complex criminal justice landscape.

This work is being carried out within the broader context of the government's long-term vision for safety, dignity and an improved quality of life for all South Africans. That vision is articulated in the National Development Plan (NDP) and the Medium Term Development Plan (MTDP) 2024–2029, which gives effect to the Government of National Unity's (GNU) three strategic priorities: inclusive growth and employment; optimising the social wage; and building a capable, ethical and developmental state.

As a key institution within the criminal justice system and the Justice, Crime Prevention and Security (JCPS) Cluster, the NPA contributes directly to the third of these priorities – ensuring accountability, upholding the rule of law, and helping to build safer communities, particularly for the vulnerable. The NPA is an important link in the broader

*“To date, we have made important strides in rebuilding the NPA into an organisation capable of withstanding the twin challenges of corruption and violent crime and delivering on our mandate to ensure justice for thousands of victims of crime each year.”*

criminal justice value chain in South Africa. In many ways, the NPA's success depends on the effectiveness of its upstream partners in the criminal justice system, including crime intelligence and police. We have strengthened our collaboration with these key partners, but challenges within the JCPS continue to undermine our collective efforts to end impunity for serious crimes. The system requires further reform, and the NPA has been raising the importance of these reforms at the appropriate levels.

To be sure, the NPA also needs to reform. To further enhance our effectiveness and efficiency, we continue to advocate for legislative amendments to secure the NPA's operational and financial independence. This includes establishing a transparent, inclusive and deliberative appointment process for the National Director of Public Prosecutions (NDPP). Encouragingly, these reforms have garnered support across parliament, civil society, and the executive, as reflected in the October 2022 response of the Presidency and Cabinet to the recommendations of the State Capture Commission.

The proposed reforms also include granting the NPA its own accounting officer and introducing a tailored salary dispensation to attract and retain the specialist skills required to prosecute complex and high-stakes corruption cases.

Such changes will directly strengthen the newly established Investigating Directorate Against Corruption (IDAC), a permanent, prosecution-led unit with investigative powers. IDAC is central to our strategy to dismantle the networks that enabled state capture, and its operationalisation will remain a key focus in the coming years.

As part of the broader Presidential Partnership Initiative, we are finalising the operationalisation of a private sector-supported, state-of-the-art digital evidence unit. This will significantly enhance our capacity to investigate and prosecute complex economic crimes in a rapidly evolving digital environment.

Beyond IDAC, the NPA remains steadfast in its commitment to lead the government's anti-corruption efforts by holding perpetrators to account and ensuring that the proceeds of crime are returned to the South African people. This work is guided by our recently completed Capacity Review, which identifies and prioritises the skills gaps that must be addressed to strengthen our prosecutorial work amid shifting criminal threats.

We are also investing in the future. The Aspirant Prosecutor Programme continues to bring in the next generation of legal talent, while targeted capacity-building initiatives, undertaken in partnership with civil society and the private sector, are equipping our teams to respond to increasingly complex challenges. These efforts are vital to strengthening institutional resilience and ensuring that South Africa can fulfil the requirements to exit the Financial Action Task Force (FATF) grey list.

Leadership renewal is another priority. With the untimely passing of Advocate Rodney de Kock in January 2025, who served as Deputy National Director of the National Prosecutions Service (NPS), and the imminent retirement of several senior leaders – including the current NDPP – the NPA is actively investing in a new leadership layer. This moment calls for deliberate succession planning, institutional continuity, and visionary stewardship.

Our key achievements over the past five years, which now inform our strategic priorities through 2030, include:

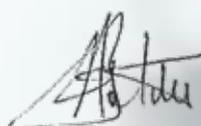
- **Combating corruption and state capture:** The establishment of IDAC as a prosecution-led unit with full investigative powers has led to dozens of high-level corruption cases under active investigation, as well as enhanced international cooperation.
- **Institutional reform and modernisation:** Expansion of the Specialised Commercial Crime Unit (SCCU), revitalisation of the Asset Forfeiture Unit (AFU), strengthened recruitment for critical skills, and creation of the Office for Ethics and Accountability (OEA) to promote integrity and service delivery.
- **Gender-based violence and victim support:** Growth of the Thuthuzela Care Centres (TCCs) – integrated, survivor-centred facilities that reduce secondary trauma, improve conviction rates, and accelerate the finalisation of cases.
- **Policy and strategy innovation:** Introduction of a Corporate Alternative Dispute Resolution mechanism to address corporate corruption and recover stolen assets more effectively, along with the adoption of an Organised Crime Strategy to better coordinate the NPA's response to this serious and growing threat.
- **Community-centred justice:** Launch and expansion of the Community Prosecution Initiative to proactively address crimes affecting local communities, strengthen public confidence in the justice system, and build stronger partnerships with law enforcement and community stakeholders.

Throughout this journey, we have never lost sight of the urgency that drives our work. The burden of crime, corruption and inequality continues to weigh heavily on too many South Africans, especially the most vulnerable. Delivering justice is not only our mandate; it is our moral imperative.

Our new five-year strategy (2025–2030) builds on the progress made and is anchored in two overarching goals: to restore public confidence in the NPA and the wider criminal justice system, and to improve access to NPA services for all. These objectives align with the government's national priorities and demand sustained commitment, investment, and ethical leadership. This strategy provides an important guiding framework for the incoming NDPP, who, from February 2026, will take over the reins of a well-run, professional, and innovative NPA. He/she will continue to face strong headwinds and will need to rely, as I did, on the wealth of experience and expertise within the NPA to navigate the challenges of fighting for justice in a country that is still sadly ravaged by crime and corruption.

This journey – from crisis to reform, and now toward consolidation and measurable impact – has tested and transformed the NPA. It has reaffirmed our mission and renewed our resolve. We are determined to continue this work with courage, transparency, and hope.

I pledge my continued commitment to this strategy, to the institution, and to the people we serve. I trust that the incoming NDPP will draw strength and inspiration from the progress that has been made and use this strategy to maintain the NPA's upward trajectory as it delivers on its mandate to ensure justice in society, thereby enabling people to live in peace and security.



**Adv. Shamila Batohi**  
National Director of Public Prosecutions  
Republic of South Africa





## Statement by the Deputy Director-General: Corporate Services

Ms. Bulelwa Makeke | Acting Deputy Director General: Corporate Services

The NPA Strategic Plan 2025-2030 seeks to realise the long-term vision of ensuring that people living in South Africa are and feel safe by 2030. The development and finalisation of the strategic plan fell outside the usual timeframes, due to the unique position in which the country found itself following the national general elections in 2024, which led to the formation of a GNU. MTDP is the culmination of the planning process of the new government, guided by the Department of Planning, Monitoring and Evaluation (DPME), to determine the priorities and strategic direction of the country over the next five years.

The alignment between the MTDP and the NPA's strategic plan is crucial to ensuring that the organisation's goals and objectives are met, such as improving prosecution services, enhancing public trust and promoting accountability. The key areas of prosecution services to be enhanced relate to violent crime, economic offences, organised crime, and corruption. The NPA will focus on capacity-building interventions to strengthen the specialist skills required to address these types of crime and to ensure that budget allocations are prioritised accordingly. This includes focused attention on capacitating and resourcing the IDAC and supporting all its endeavours to address

corruption linked to state capture. It will be critical to attract individuals who possess unique skills and qualities and are committed to the organisation's IPAC values.

Enhancing public trust in the NPA is essential to the legitimacy of the justice system. When the public trusts the prosecution and recovery objectives of the NPA, they are more likely to have confidence in the fairness and effectiveness of the justice system. They are also more inclined to report crimes, provide information and cooperate with investigations. Public-private partnerships will be strengthened. Accountability is a core value that the NPA holds dear, and the OEA was established with legislative powers to investigate and address all ethical and integrity lapses by any member of the NPA, and to promote ethical conduct.

Public trust in the NPA will also be enhanced through improved communication between prosecutors and the public, to foster better understanding and build confidence. In this regard, it is important to strengthen all aspects of organisational communication, both internally and externally.

One of the strategic priorities of the MTDP is improved governance and performance of public entities. In this context, the NPA's sub-programme, Strategy, Operations

*“Enhancing public trust in the NPA is essential to the legitimacy of the justice system. When the public trusts the prosecution and recovery objectives of the NPA, they are more likely to have confidence in the fairness and effectiveness of the justice system.”*

and Compliance (SOC), will place renewed focus on improving the organisation's governance framework, establishing a clear basis for decision-making, ensuring that decisions are informed, transparent, expeditious, and in the best interests of the organisation. This includes effective risk management processes and efficient resource allocation to support the organisation's strategic objectives, within the budget constraints facing both the NPA and government in the period ahead.

Significant effort will go into improving audit outcomes for the NPA, which ultimately contributes to the audit outcome of the Department of Justice and Constitutional Development (DoJ&CD). Continuous interventions will be implemented to enhance internal controls, which will assist the organisation in achieving positive results in the regulatory audit over the past few years. However, the performance-related audit environment is an area that requires more careful management, especially following the management decision to use the Electronic Case Management System (ECMS) as the primary source of performance reporting. We acknowledge that the organisation faces numerous challenges in this regard, due to the lack of seamless interface in the case management systems to ensure accurate data flow from the police to prosecutions and ultimately to the DoJ&CD. To mitigate the significant risk of material misstatements and other negative audit outcomes, the NPA has an audit action plan, which it monitors closely in conjunction with its internal technical audit committees and through regular engagements with the Auditor-General (AG).

It is pertinent that, as the MTDP period begins, it also marks the end of term of the NDPP and the exit of two of the three DNDPPs. The NPA will be managing a leadership transition at a time when it is critical to maintain stability at the highest echolons in order to provide guidance and ensure accountability for the organisation's strategic direction over the next five years and beyond. However, the organisation benefits from the foundational work laid by the outgoing leadership in future-proofing the NPA. The upcoming period will also entail significant groundwork in exploring the best option for establishing the NPA's financial and operational independence, in consultation with the Minister of Justice.

In all the work that lies ahead in supporting the core business of the NPA, I hereby commit to the ongoing improvement and innovation in the implementation of this strategic plan, through efficient operations within a fully compliant environment.



**Ms. Bulelwa Makeke**  
Acting Deputy Director General: Corporate Services  
National Prosecuting Authority

# OFFICIAL SIGN-OFF

It is hereby certified that this Strategic Plan:

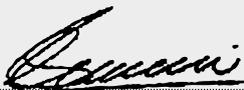
- Was developed by the management of the National Prosecutions Service (Acting) under the guidance of the National Director of Public Prosecutions, Adv. Shamila Batohi, supported by the Minister of Justice and Constitutional Development (DoJ&CD).
- Takes into account all the relevant policies, legislation, national and international obligations, and other mandates for which the NPA is responsible for.
- Accurately reflects the Impact and Outcomes which the NPA will endeavour to achieve over the period 2025-2030.



**Ms. Salome Baloyi**  
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*Approved in line with PFMA*



**Ms. Bulelwa Makeke**  
Deputy Director-General: Corporate  
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*Approved in line with NPA Act*



**Adv. Shamila Batohi**  
National Director of Public  
Prosecutions

## LIST OF ABBREVIATIONS/ACRONYMS

AFU	Asset Forfeiture Unit
AG	Auditor-General
AI	Artificial Intelligence
CPA	Criminal Procedure Act, 1977 (Act No. 51 of 1977)
CPRP	Criminal Procedure Reform Project
COVID-19	Coronavirus Disease 2019
DDM	District Development Model
DEU	Digital Evidence Unit
DNDPP	Deputy National Directors of Public Prosecutions
DoJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crime Investigation
DPME	Department of Planning, Monitoring and Evaluation
DPPs	Directors of Public Prosecutions
ECMS	Electronic Case Management System
FATF	Financial Action Task Force
GBVF	Gender-Based Violence and Femicide
GI-TOC	Global Initiative Against Transnational Organised Crime
GNU	Government of National Unity
ID	Investigating Director
IDAC	Investigating Directorate Against Corruption
IJS	Integrated Justice System
IPAC	Independence, Professionalism, Accountability and Credibility
JCPS	Justice, Crime Prevention and Security Cluster
JICC	Joint Initiative Against Crime and Corruption
MTEF	Medium Term Expenditure Framework
MTDP	Medium Term Development Plan

MTSF	Medium-Term Strategic Framework
NDP	National Development Plan
NDPP	National Director of Public Prosecutions
NPAA Act	National Prosecuting Authority Amendment Act, 2024 (Act No. 10 of 2024)
NPA	National Prosecuting Authority
NPS	National Prosecutions Service
NSP	National Strategic Plan on Gender-Based Violence
OC	Organised Crime
OCU	Organised Crime Unit
OEA	Office for Ethics and Accountability
OECD	Organisation for Economic Co-operation and Development
OWP	Office for Witness Protection
POCA	Prevention of Organised Crime Act
SACCI-BCI	South African Chamber of Commerce and Industry Business Confidence Index
SALRC	South African Law Reform Commission
SAPS	South African Police Service
SCCU	Specialised Commercial Crimes Unit
SDG	Sustainable Development Goals
SDPP	Special Director of Public Prosecutions
SOC	Strategy, Operations and Compliance
SOCA	Sexual Offences and Community Affairs
STEEPLE	Social, Technological, Economic, Ethical, Political, Legal and Environmental
TCCs	Thuthuzela Care Centres
TRC	Truth and Reconciliation Commission
UNCAC	United Nations Convention Against Corruption



**National Prosecuting Authority**  
South Africa

A wooden gavel with a brass band is positioned on a wooden surface. The background is a blurred image of a courtroom or library, with bookshelves and people in the distance. The gavel is the central focus of the lower half of the page.

# **PART A** **OUR MANDATE**

# 1. CONSTITUTIONAL MANDATE

The NPA derives its mandate from section 179 of the Constitution. Section 179(2) expressly empowers the NPA to institute criminal proceedings on behalf of the state and to carry out any necessary functions incidental thereto. Furthermore, section 179(4) requires that the NPA must exercise its functions without fear, favour, or prejudice. The NPA is the sole entity seized with the responsibility of instituting public prosecutions on behalf of the state.

As head of the NPA, the NDPP, alongside the DNDPPs and Directors of Public Prosecutions (DPPs) who head their respective regional jurisdictions, as well as Special Directors of Public Prosecutions (SDPP) and the Investigating Director (ID) who are assigned specific

powers, are responsible for ensuring delivery on the NPA's constitutional obligations. In terms of section 179(5) of the Constitution, the NDPP must determine prosecution policy and issue policy directives, which must be observed in the prosecution process. The prosecution policy and any amendments thereto must be determined with the concurrence of the Minister responsible for the administration of justice, after consultation with the DPPs. Furthermore, in terms of section 179(6) of the Constitution, the Minister exercises final responsibility over the prosecuting authority, and may request reports from the NDPP regarding the functioning of the prosecuting authority.

# 2. LEGISLATIVE AND POLICY MANDATES

## 2.1. LEGISLATIVE MANDATE

The NPA, as the sole entity seized with the responsibility of instituting prosecutions on behalf of the state, is legally bound by various pieces of legislation. Below is a brief discussion of the key legislation.

### **NATIONAL PROSECUTING AUTHORITY ACT, 1998 (ACT NO. 32 OF 1998) (NPA ACT)**

In terms of section 20(1) of the NPA Act, the power vests in the prosecuting authority, to:

- institute and conduct criminal proceedings on behalf of the state;
- carry out any necessary functions incidental to instituting and conducting such criminal proceedings; and
- discontinue criminal proceedings.

### **(A) National Director Of Public Prosecutions (NDPP)**

Section 5(2) of the NPA Act establishes the Office of the National Director of Public Prosecutions, with the NDPP as the head of the office; DNDPP and Special Directors; other members of the prosecuting authority appointed at or assigned to the Office, and members of the administrative staff of the Office.

The powers and functions of the NDPP are delineated in section 179(5) of the Constitution and the NPA Act. These are primarily:

- to determine prosecution policy, with the concurrence of the Cabinet member responsible for the administration of justice, and after consulting the DPPs, prosecution policy, which must be observed in the prosecution process;
- to issue policy directives which must be observed in the prosecution process;
- to intervene in the prosecution process when policy directives are not complied with; and

- the power to review a decision to prosecute or not to prosecute, after consulting the relevant DPP and after taking representations from the accused person, the complainant, and any other person or party whom the NDPP considers to be relevant.

### **(B) Deputy National Directors of Public Prosecutions (DNDPPs)**

In terms of section 11 of the NPA Act, the President may, after consultation with the Minister and the NDPP, appoint no more than four persons as DNDPPs. A DNDPP has the powers set out in section 20(1) of the NPA Act. The powers and functions of DNDPPs are exercised under the control and direction of the NDPP. The NDPP may also assign certain specific functions to a DNDPP. The NPA Act also provides for the appointment of SDPPs and Investigating Directors (IDs) to deal with special focus areas.

### **(C) Directors of Public Prosecutions (DPPS)**

Under section 13(1) of the NPA Act, the President, after consultation with the Minister and the NDPP, appoints DPPs as heads of the prosecuting authority at the respective seats of each High Court in the Republic, as established by section 6(1) of the NPA Act. A DPP appointed in terms of section 13(1)(a) of the NPA Act holds original prosecutorial powers in respect of any offence committed in his or her area of jurisdiction, except for offences which have been expressly excluded from his or her jurisdiction, either generally or in a specific case, by the NDPP.

### **(D) Special Directors of Public Prosecutions (SDPPS)**

An SDPP may be appointed in the office of the NDPP, in terms of section 13(1)(c) of the NPA Act, to exercise certain powers, carry out certain duties, and perform certain functions conferred on or assigned to him or her by the President, by proclamation in the Government Gazette. The SDPP also has original prosecutorial powers in respect of specific offences identified in his or her Presidential Proclamation, in any area of jurisdiction, but subject to such powers being exercised in consultation with the DPP of the area of jurisdiction concerned.

### **(E) Investigating Directorate Against Corruption (IDAC)**

The IDAC was established on 19 August 2024 under the National Prosecuting Authority Amendment Act, 2024 (Act No. 10 of 2024) ("NPAA Act" or "Amendment Act"), which came into effect on this date.

The NPAA Act made amendments to the NPA Act. These amendments pertain to the establishment of the IDAC as a permanent anti-corruption agency or unit within the NPA; the IDAC's mandate, powers, and functions to investigate and prosecute serious, high-profile, and complex corruption cases.

### **(F) Criminal Procedure Act, 1977 (Act No. 51 of 1977) (CPA)**

These include provisions relating to the power to withdraw a charge and stop a prosecution, the attendance of witnesses in court; the issuing of summonses; admission of guilt; bail; the release of an accused person; summary trials; the charge; the plea; jurisdiction; trials before different courts; conduct of proceedings; witnesses; evidence; competent verdicts; previous convictions; sentencing; reviews and appeals; and compensation.

At the behest of the Minister of Justice, the South African Law Reform Commission (SALRC) is conducting a review of South Africa's criminal procedure, called the Criminal Procedure Reform Project (CPRP). The purpose of the CPRP is to effect implement substantive amendments to the CPA. The overarching purpose of the reform of the CPA is to bring it more in line with the Constitution, as part of the constitutional injunction to rationalise colonial and apartheid-era laws, which include the CPA. The reform also seeks to modernise the CPA by aligning it with technological developments, emerging trends, practices (including international best practices) and standards related to criminal procedure.

### **(G) Criminal Law (Sexual Offences and Related Matters) Act, 2007 (Act No. 32 of 2007) (Sexual Offences Act)**

The Sexual Offences Act comprehensively and extensively amends all aspects and implementation of the laws relating to sexual offences, deals with all legal aspects of, or relating to, sexual offences in a single statute. The Act, inter alia, repeals various common law offences and replaces them with statutory offences that are gender neutral and applicable to all forms of sexual penetration

and sexual violation committed without consent. It also creates new offences for certain compelled acts of penetration or violation and enacts comprehensive provisions relating to new or amended offences against children and persons who are mentally disabled.

#### **(H) Child Justice Act, 2008 (Act No. 75 of 2008)**

The Act establishes a child justice system for children in conflict with the law. This Act seeks to ensure that child justice matters are managed in a rights-based manner and assist children suspected of committing crimes to become productive members of society by engaging with the child in restorative justice processes, diversions, and other alternative options.

#### **(I) Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002)**

This Act provides for the crimes of genocide, crimes against humanity and war crimes as contemplated in the International Criminal Court Act. This Act also makes provision for the extraterritorial application in the implementation thereof in certain circumstances.

#### **(J) Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) (PRECCA)**

The Act provides, among others, for the strengthening of measures to prevent and combat corruption and corrupt activities, for the offence of corruption and offences relating to corrupt activities, for investigative measures in respect of corruption and related corrupt activities, for the establishment and endorsement of a register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts, to place a duty on certain persons holding a position of authority to report certain corrupt transactions, and for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities.

#### **(K) Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998) (POCA)**

The POCA provides measures for law enforcement agencies and the NPA to combat organised crime and money laundering. A primary feature of the POCA is to provide for the recovery of the benefits, proceeds of unlawful activity and instrumentalities of offences. Chapter 5 provides for the restraint and confiscation of the value of benefit derived from crime in cases where the accused is convicted of an offence and other crime sufficiently related to the crimes convicted of. Chapter 6 focuses on property that has been used either to commit an offence or which constitutes proceeds of unlawful activities. It provides for freezing and forfeiture of proceeds and instrumentalities of crime through a process that is not dependent on a prosecution. In addition, section 71 of the POCA empowers the NDPP to request information from government departments and statutory bodies in respect of investigations relevant to the POCA without having to issue subpoenas.

A substantial review of POCA has been undertaken and proposed amendments by the NPA are under consideration by DOJ&CD. Notably, unexplained wealth provisions are to be included.

#### **(L) Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013) (TIP)**

This Act provides for an offence of trafficking in persons, penalties that may be imposed in respect of such offences, measures to protect victims, as well as the prevention and combating of the trafficking in persons within or across the borders of the Republic. The Act gives effect to the Republic's obligations concerning the trafficking of persons in terms of international agreements.

#### **(M) Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) (POCDATARA)**

This Act provides for the offences of terrorism, terror financing and related offences. This Act also makes provision for extraterritorial jurisdiction in respect of specific offences as contemplated in the Act.

## (N) Witness Protection Act, 1998 (Act No. 112 of 1998)

The Office for Witness Protection (OWP) is established in terms of this Act and provides a support service to the criminal justice system and judicial proceedings, providing temporary protection pending placement under protection, support and related services to vulnerable and intimidated witnesses and their related persons, thereby enabling such witnesses to testify without intimidation, fear or danger. The OWP falls under the authority of the Minister of Justice and Constitutional Development, and is administered by the Director-General of Justice, in cooperation with the NPA. The OWP is an independent covert office, and all its functions are classified secret to ensure the integrity of the programme and the safety of witnesses.

## 2.2. OBLIGATIONS AND POLICY MANDATES

The NPA remains committed to all its international obligations, including the United Nation's Convention against Corruption, the OECD recommendations on anti-bribery<sup>1</sup> and the Sustainable Development Goals (SDG) which emphasise the crucial role of peace and security in achieving sustainable development; to combat inequalities in and among countries; to provide access to justice for all; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources.

The African Union Agenda 2063 is the strategic framework for the socio-economic transformation of Africa over the next 50 years.

## NATIONAL DEVELOPMENT PLAN 2030 (NDP)

The NDP sets out a long-term vision for government to ensure that, by 2030, all people in South Africa should feel and be safe. This vision can only be achieved if there is a well-functioning criminal justice system in which the police, the judiciary, correctional services, the NPA and other stakeholders work together to ensure that justice is served for the victims of crime.

## Medium-Term Development Plan 2024-2029 (MTDP)

MTDP is an outcome of a participatory process that has been one of the definitive hallmarks of our 30 years of democracy. It is the output of an inclusive process that takes different perspectives into consideration and fuses the divergent ideologies that are prevalent in our society as a whole. In the main, it translates the will of the people into a practical programme of action that seeks to improve people's lives.

The government has set five goals for the next five years, which are:

- A dynamic, growing economy.
- A more equal society, where no person lives in poverty.
- A capable state delivering basic services to all citizens.
- A safe and secure environment.
- A cohesive and united nation.

To achieve these goals, the MTDP identifies three Strategic Priorities which will be implemented across the state:

- **Strategic Priority 1:** Drive inclusive growth and job creation - focuses on rapid, inclusive and sustainable economic growth to create jobs and serves as the Apex Priority.
- **Strategic Priority 2:** Reduce poverty and tackle the high cost of living which aims to ensure that social assistance is leveraged for local economic development.
- **Strategic Priority 3:** Build a capable, ethical and developmental state which is critical for the success of the other two Strategic Priorities. The rights of women, youth and persons with disabilities must be mainstreamed across all three priorities.

Twelve outcomes were identified to achieve the goals and objectives of Strategic Priority 3: Build a capable, ethical and developmental state:

- Improved service delivery in the local government sphere.
- Improved governance and performance of public entities.

1 OECD (2019): Resolving Foreign Bribery Cases with Non-Trial Resolutions: Settlements and Non Trial Agreements by Parties to the Anti-Bribery Convention. OECD. Available at: <https://www.oecd.org/corruption/Resolving-Foreign-Bribery-Cases-with-Non-Trial-Resolutions.htm> at page 11

- An ethical, capable and professional public service.
- Digital transformation across the state.
- Mainstreaming of gender, empowerment of youth and persons with disabilities.
- A reformed, integrated and modernised Criminal Justice System.
- Effective border security.
- Secured cyber space.
- Increased feelings of safety of women and children in communities.
- Combat priority offences (economic, organised crime and corruption).
- Advance South African foreign policy for a better world.
- Enhanced peace and security in Africa.

Considerable progress has been made since 1994 to restructure and transform the public service. Some challenges remain and include an emphasis on compliance at the expense of delivery, fragmented structures, weak technical capacity, a focus on process rather than on outcomes and a failure to promote and reward innovation and success.

During the past decade, these challenges were exacerbated by widespread corruption, the capture of the state by criminal networks, the erosion of policy and implementation capacity at the centre of government, the influence of patronage networks on senior appointments, constraints on budget and capacity building, restrictions on innovative and expanded crime-fighting methodologies and an exodus of skills and expertise from the public service. As a result, the ethical foundations of the state were eroded while the state's capability to deliver on complex projects and objectives was weakened.

The long-term consequences of state capture for many institutions that manage public services have been disastrous for the economy and the state's ability to deliver to its citizens. The MTDP identifies outcomes and priorities to complete reforms to the criminal justice system, including interventions to ensure further progress in the fight against Gender-based Violence and Femicide (GBVF). All three spheres of government should support an effective and efficient developmental state and economy that serves all South Africa's citizens.

Finally, bold and urgent intervention is needed to improve local government service delivery. Interventions to date have been desperate and poorly coordinated, with limited effect. Initiatives such as the District Development Model (DDM) do not directly address the lack of capacity or governance failures at a municipal level. This Strategic Priority outlines specific interventions to address local government challenges.

The MTDP will be supported by an integrated and robust monitoring system that will be underpinned by the latest technologies. The DPME intends to track progress in the implementation of the key indicators in real time and produce bi-annual and mid-term reports to advise Cabinet and the President on the performance of specific sectors. Efforts are being made to establish a dashboard that will give the President overall sight of the performance of government. This will significantly assist in decision-making and ensure the speedy resolution of bottlenecks in the implementation process.



# 3. INSTITUTIONAL POLICIES AND STRATEGIES OVER THE FIVE-YEAR PLANNING PERIOD

## 3.1. INSTITUTIONAL POLICIES

The leadership of the NPA has outlined the following institutional policies and strategies to future-proof its prosecutorial arsenal and enhance its strategic impact towards a capable, ethical and developmental state. The institutional policies and strategies are attached to the strategic period 2025-2030 and shall be implemented through a series of deliberate and focussed activities, which will be outlined in the annual performance plans.

The impact of the institutional policies and strategies will be monitored through internal performance reporting mechanisms and shall be reviewed annually or as and when leadership deems vital.

### (A) NPA Prosecution Policy

Section 179(5)(a) of the Constitution requires the NDPP to determine, with the concurrence of the Minister and after consultation with the DPP, prosecution policy which must be observed in the prosecution process. This prosecution policy must be tabled in Parliament and is a public document. As a policy which sets out the way in which the NPA and individual prosecutor should exercise their discretion, contributing to the fair and even-handed administration of the criminal laws, it constitutes the foundational principles governing the prosecution process.

The Prosecution Policy states that, "The NPA is a public, representative service, which should be effective and respected. Prosecutors must adhere to the highest ethical and professional standards in prosecuting crime and must conduct themselves in a manner, which will maintain, promote and defend the interests of justice."

### (B) Corporate Alternative Dispute Resolution (C-ADR)

In its commitment to improve and innovate asset recovery, in compliance with international obligations as well the recommendations of the Zondo Commission, the NPA introduced directives relating to "Corporate Alternative Dispute Resolution" (C-ADR). The directives note in this

regard that, like diversion relating to adult offenders, it may be in the interests of justice to resolve criminal matters in respect of certain corporations (legal persons) accused of serious corruption and related offences other than through criminal prosecution.

The directives state that C-ADR is understood as the election, in suitable and applicable cases, of a manner of disposal of a criminal case against a company other than through normal criminal court proceedings. It strategically incentivises corporates to co-operate with the NPA in return for some leniency. It is aimed at enhancing prosecution of individuals, extending law enforcement in the private sector through enhanced corporate governance, and disgorgement of proceeds of crime and payment of punitive reparations.

This Directive proactively implemented the Zondo Commission recommendations pending legislative reform that is underway. The non-trial resolution framework that is proposed by the SALRC is substantial and expands the current form of C-ADR implemented by the NPA.

## 3.2. STRATEGIES, INITIATIVES AND PRIORITY FOCUS AREAS

In anticipation of the 7th Administration, the leadership of the NPA held its strategic session in September 2023 (the Kievits Kroon session). The session was aimed at engaging in critical and detailed analysis of NPA's performance and delivery on its 2019-2024 strategic plan, to consider focus on embedding and sustaining NPA's reforms to future-proof the organisation and thus contribute towards building a capable, ethical, and developmental state.

The Kievits Kroon session engaged extensively on the NPA's progress in the implementation of the 2020-2025 strategic plan, and its capabilities and inherent weaknesses in addressing high-profile and complex corruption cases. As such, the leadership of the NPA collectively set to define two high-level strategic outcomes, which are:

- Improved public confidence in the NPA and the criminal justice system.
- Improved access to NPA services.

Post the constitution of the 7th Administration, the NPA leadership congregated again in November 2024 to consider strategic initiatives and priority areas within its current strategies, which require additional impetus in 2025 to drive full and effective implementation in the final year of the current NDPP's term. These key strategies will form part of the NDPP's official handover report, as a symbol of a sustainable and credible organisation built on its IPAC values.

The following are the priority focus areas identified by the current NPA leadership. The list is not limited or exhaustive, and can be reviewed during the strategic period:

**(a) Fast-tracking apartheid-era crimes / truth and reconciliation commission cases**

A dedicated Truth and Reconciliation Commission (TRC) component has been established in the NPA within the NPS, to deal with apartheid-era crimes / TRC matters. This means that the prosecutors dealing with these matters are dealing with nothing but TRC cases. TRC matters are a priority for the NPA, which wants to urgently act on these cases. The Directorate for Priority Crime Investigation (DPCI) has also established a dedicated TRC component, which will greatly assist the NPA in effectively prosecuting these crimes.

**(b) Entrenching a professional and ethical prosecution service**

The promulgation of the regulations to establish the Office of Ethics and Accountability (OEA), have now paved the way to enable its full capacitation. The OEA's key initiatives will be underscored by an improved complaints management mechanism that is prompt, fair and consistent; enhanced ethics and integrity education and awareness plan; steering inspection visits to high-risk and poorly performing areas and carrying out remunerative work outside public service detection; and developing an NPA service charter and ultimately creating an enabling environment for reporting wrongdoing.

**(c) Strengthening organisational performance through skills development**

The organisation's capacity to deliver depends on its ability to develop and retain talent. The NPA has various programmes aimed at developing its talent and building on the current staff skills complement. Resource constraints and austerity measures have dented these initiatives, and innovation is required in this area, particularly as it pertains to mentoring and career pathing.

Having concluded a capability enhancement review which focused on specialised skills in organised, corruption and commercial crimes, an innovative and cutting-edge response is being implemented to address the findings. The flagship programme emanating from the review is the enhancement of prosecution skills in the listed specialised areas as well as enhancement of leadership skills in managing in this field. The programme is leaning more towards practical skills development coupled with mentoring as opposed to theoretical knowledge sharing to fast track the impact of the training on the performance outcomes of the organisation. The intervention is being funded by the German Government, and it is designed not to be a once off but to be sustained even beyond the initial funding.

**(d) Enhancing the fight against complex commercial crime and corruption**

The Specialised Commercial Crime Unit (SCCU) plans to reinforce its methodology, with great emphasis on incorporating technology to enhance and improve its performance, manage and analyse big data, and disclose dockets to the defence. To further enhance its efficiency, the SCCU incorporates project management principles in investigating and prosecuting its matters. The SCCU will embark on joint prioritisation with the DPCI, starting with the identification and joint scoping of cases.

The SCCU and Organised Crime Unit (OCU) contribute towards the country's international obligations flowing from South Africa acceding to international conventions such as the United Nations Convention Against Corruption (UNCAC), and other international obligations such as those falling under the Organisation for Economic Co-operation and Development (OECD).

**(e) IDAC's Digital Evidence Unit**

In the coming strategic period, IDAC will leverage on external support by participating in the Joint Initiative against Crime and Corruption (JICC) of the Presidential Partnership initiative for the purposes of establishing the Digital Evidence Unit (DEU) for the IDAC. The DEU is an independent, standalone, industry-funded, non-profit entity set up to provide bespoke and digital forensics services upon request of the IDAC. Its focus is on encryption and analysis of state capture evidence from devices (cellphones, laptops, etc) for presentation in court. Once successfully set-up, the project will run for a period of five years.

The establishment of the DEU follows the amendment of the NPA Act to establish the IDAC as a permanent entity. The DEU will be registered with the Companies and Intellectual Property Commission (CIPC).

The implementation of the DEU will incorporate an oversight role by renowned and well-respected jurists and criminal justice experts who will serve as an independent Board of Directors.

**(f) Combating complex corruption and organised crime in South Africa Project**

The NPA with support from the Federal Government of Germany is implementing a project focusing on 'Combating Complex Corruption and Organised Crime in South Africa.' The goal of the developmental project is to enhance the capabilities of prosecutors, investigators, and Asset Forfeiture Unit (AFU) lawyers to combat complex corruption and organised crime. The project will be implemented over a three-year period with the goal of achieving the following outputs:

- Capabilities of prosecutors and investigators to fight complex corruption and organised crime are improved.
- Capabilities of leadership of the NPA are enhanced.
- Prosecutors and investigators draw on the expertise gained from case studies on fighting complex corruption and organised crime in two priority provinces.
- Asset recovery is enhanced.
- Research and analytical capabilities of responsible business units of the NPA are enhanced.
- Knowledge within the NPA on available case management systems is enhanced.
- Information on the work of the NPA is improved.

**(g) Strategic prosecution of organised crime (OC)**

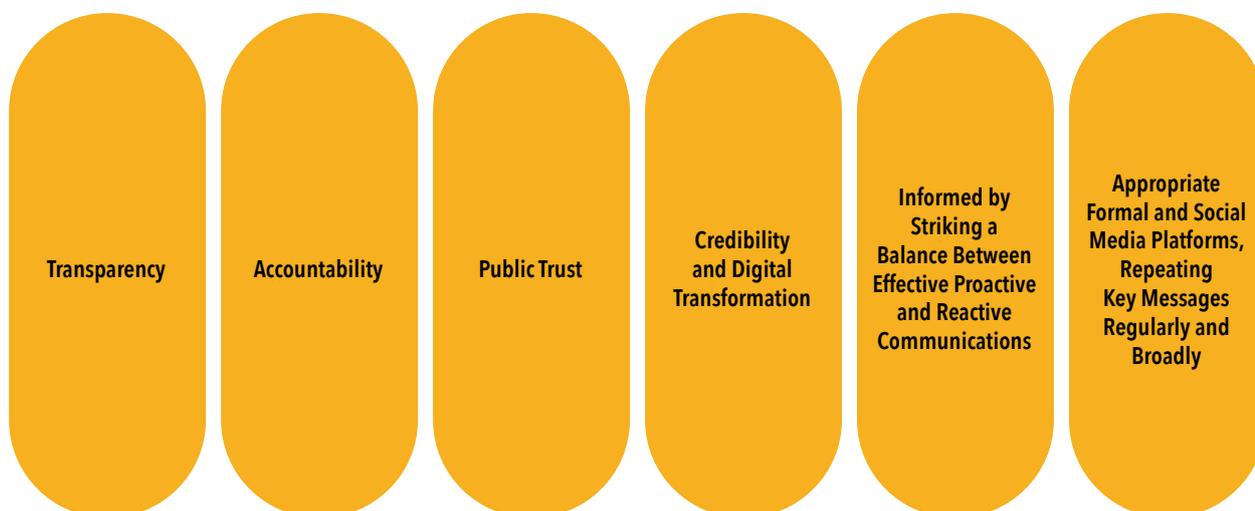
Organised crime continues to negatively undermine developmental and economic prospects of the country. As a result, over the coming five years, the NPA shall focus on implementation of the NPA's Strategy Against Organised Crime. The NPA-led strategy places emphasis on the prosecution of kingpins/high level actors as well as transnational organised crime, while prioritising key criminal markets such as extortion at construction sites; damage to infrastructure; illicit mining and cybercrimes.

While the OC strategy deals with reducing incentives for involvement in criminal activity through strategic prosecutions, the OCU will enhance its working relationship with the AFU to conduct financial investigations necessary to pursue money laundering charges, and to identify proceeds and instrumentalities used in the commission of crime and thus ensure that we comply with the requirements of the FATF.

**(h) Implementation of Pro-active Communication Strategy**

The NPA as a key actor within the criminal justice system, has acknowledged the restoration of its credibility and public trust as its cornerstone. The development of a proactive communication strategy seeks to drive a more consistent and sustained communication about NPA successes in case outcomes and other national strategic topics in the general and social media spaces.

The strategy represents a more robust and proactive communication interventions characterised by the reviewal of communication engagements, including media analysis, digital trends and stakeholder input. Furthermore, the strategy which is accentuated by principles of:



The successful roll-out of the proactive communication strategy will be realised through the delivery of regular social media and media interviews on case success, setting strategic and professional tone and strengthening media relations and court reporting, driving strategic case visibility expanding storylines through court reporter partnerships. Notwithstanding the critical aspect of media monitoring and daily real-time tracking of media mentions and reputational issues, and the employment of rapid response protocol in general and social media space.

#### (i) Financial and operational independence

To strengthen its constitutional mandate, the NPA aspires to become financially and operationally independent. This involves exploring existing public service organisational structural arrangements that will enable the NPA to have its own accounting officer while maintaining the constitutional imperative for final responsibility by the Cabinet member responsible for the administration of justice in the country. A key aspect of this work will be assessing the financial and administrative implications of the desired state, including arrangements in the lower courts where prosecutors are accommodated in court buildings, and together with other stakeholders, like magistrates and police, are hosted and supported by the DoJ&CD.

#### (j) Expand the impact of community prosecutions

Community prosecution is a powerful and innovative instrument in the fight against crime; it focusses on targeted areas and involves long-term, proactive partnerships. It involves prosecutors, the police, local government, the community, and public and private organisations working together to solve crime-related problems, improve public safety, and enhance the quality of life in the community.

The NPA will, in the next five years, consolidate the successful rollout of the initiative and the enhanced focus on key community irritants such as illegal liquor outlets, gender-based violence and substance abuse, gangsterism and drug abuse, stock theft, etc. The next phase will focus on expanding the footprint and widen the scope of the focus areas.

#### (k) Entrench digitisation and implementation of the Electronic Case Management System (ECMS) at all lower courts

The ramped-up implementation of the ECMS provides a platform for more reliable performance information data as more prosecutors do their screening and enrol their cases online. While the transition from manual capturing and reporting of performance statistics to fully integrated digital performance is likely to be difficult and time-consuming, the medium and long-term outcome of an integrated criminal justice system justifies the significant investment of the Integrated Justice System (IJS) of government. In the strategic period, the NPA's focus will be on providing prosecutors with an alternative means to obtain network connectivity in the lower courts using mobile/Wi-Fi routers, to counteract the very unstable network connectivity in the courts.

The NPA will also seek to advance digitisation within its internal systems through the adoption of Case Outcomes (with the DoJ&CD) and Digital Docket (with the South African Police Service (SAPS)) to enhance data transmission between NPA, DOJ&CD and SAPS, and to digitise certain parts of physical dockets. A data warehousing portal, which aims to provide an enterprise reporting dashboard, will be introduced through the Business Intelligence dashboard, while the Enterprise Architecture project to guide the future ECMS framework will seek to address the pending integration issues.

#### (l) The advent of Artificial Intelligence (AI) and technological advancement within the prosecution sphere

To ensure the NPA remains effective in a rapidly changing technological environment, the NPA is dedicated to enhancing its understanding and strategic use of artificial intelligence. Criminals are increasingly taking advantage of advanced technologies to commit complex crimes, such as cyber-crime, financial fraud, and digital exploitation.

In response, the NPA is focusing on building its internal capacity to understand and utilise AI and other digital tools to improve prosecutorial effectiveness. This involves training staff, collaborating with national and international partners, and exploring AI-driven solutions for case analysis, evidence management, and decision support. Additionally, the NPA acknowledges that effectively using advanced technology requires a strong foundation. Strengthening the integration of the Integrated Justice System and ECMS is crucial for supporting efficient workflows and data integrity by combining innovation with essential operational practices the NPA aims to create a future ready prosecutorial service that can keep up with technological advancement and the changing nature of crime.

### 3.3. RELEVANT COURT RULINGS

The following are relevant court matters and/or rulings which are likely to have an impact on the NPA's operations or service delivery obligations:

#### **"FRONTAL CHALLENGES" (PRELIMINARY LITIGATION/PRE-TRIAL INTERLOCUTORY APPLICATIONS) TO CRIMINAL PROSECUTIONS**

*Maughan and Another v Zuma 2023 (2) SACR 435 (KZP) and President of the Republic of South Africa v Zuma and Others 2024 (1) SACR 32 (GJ)*

In these matters, private prosecutions were instituted by an accused, Mr. Jacob Gedleyihlekisa Zuma ("Mr Zuma"), whilst his related fraud and corruption trial is pending. Frontal challenges (i.e. preliminary litigation/pre-trial interlocutory applications) were brought by the accused persons summonsed in the private prosecutions, including the prosecutor of the corruption case (Adv. William John Downer SC ("Adv. Downer"), against the proceeding of such prosecutions.

These frontal challenges were upheld, and the private prosecutions were accordingly set aside. The combined tenor of both judgments is that there is no absolute rule against a frontal challenge being lodged against a criminal prosecution. In general, a frontal challenge ought to be discouraged and pertinent issues left to the trial court, where the challenge lacks merit and only mainly serves to delay the commencement of the criminal trial. However, a frontal challenge ought to be allowed where a litigant wishes to challenge a clearly unlawful criminal process in order to enforce his or her fundamental rights. In other words, a frontal challenge will be entertained and upheld if the interest of justice may be better served by allowing the challenge than subjecting an accused person to an unlawful and unconstitutional prosecution.

#### **THE NATURE OF CONSENT TO SEXUAL PENETRATION IN RELATION TO A CHARGE OF RAPE**

*Embrace Project NPC and Others v Minister of Justice and Correctional Services and Others 2025 (1) SACR 36 (GP)*

Provisions of the Sexual Offences Act were declared unconstitutional as far as they permitted the acquittal of an accused on a sexual offence where the perpetrator wrongly and unreasonably believed that the complainant had consented. The issue in this matter was that the Act did not criminalise sexual violence where the perpetrator wrongly and unreasonably believed that the complainant consented to the conduct in question, therefore enabling

the accused to successfully avoid conviction on the grounds of the subjective belief that consent was given.

*Director of Public Prosecutions Eastern Cape v Coko 2024 (2) SACR 113 (SCA)*

The respondent had been convicted of rape in terms of the provisions of section 3 of the Sexual Offences Act, read with s. 51(2)(b), (3) and (6) of the Criminal Law Amendment Act, 105 of 1997. On appeal, the High Court set aside the conviction and sentence. The State appealed against this decision on a question of law as to the nature of consent to a penetrative act and the form of intention required for conviction.

#### **URGENT APPLICATION SEEKING TO INTERDICT AND RESTRAIN THE STATE FROM ARRESTING THE ACCUSED**

*Mapisa-Nqakula v National Director of Public Prosecutions and Others 2024 JDR 1749 (GP)*

The accused, who was to be arraigned on corruption charges involving a total amount of more than R4.5m, filed an urgent application to interdict the State from arresting her, whilst the State was engaging with her to hand herself over at the police station for processing in preparation for the enrolment of the criminal case. The State also indicated to the accused that it did not intend opposing bail. It was moreover brought to the accused's attention that an arrest contemplated in section 40 of CPA (i.e. an arrest without a warrant), would be conducted as a last resort if the accused failed to present herself to the police. This was in compliance with standing orders which set out that an arrest should be effected as a last resort. In essence, the accused's application was predicated on the averment that her arrest would be unlawful, as such an arrest would harm the accused's dignity and her standing in society and under the Constitution as the Speaker of Parliament. Moreover, that the case against the accused was weak and "riddled with irregularities which could never justify the infringement and imperilment of the applicant's constitutional rights; let alone the applicant's position as the Speaker of the Parliament."

#### **APPLICATION BY THE STATE FOR AN ORDER IN TERMS OF SECTION 342A OF THE CPA TO PREVENT AN APPARENT "STALINGRAD TACTIC"**

*The State v Mdluli and Others (CC 3/2001 – Gauteng Division, Pretoria – judgment delivered on 10 April 2024)*

The accused have been arraigned on various counts of corruption, contravention of the POCA, fraud and defeating the administration of justice, stemming from the time they were employed in the SAPS. Delay in the criminal proceedings, i.e., the commencement of the trial, caused by

accused 1 seeking a judicial review of the decision of the SAPS not to fund his legal fees in defending the case.

The State lodged an application for an order in terms of section 342A of the CPA, to prevent any further unreasonable delays to the commencement of the criminal trial caused by the inordinate delay by accused 1 to finalise his review application.

### **LAWFULNESS OF AN ARREST WITHOUT A WARRANT AND THE QUESTION OF A MALICIOUS PROSECUTION AND DUTIES OF A PROSECUTOR IN ENROLLING A CRIMINAL CASE**

#### ***Lethena and Others v Minister of Police and Another 2024 (1) SACR 92 (GJ)***

This was an action for damages based on the alleged wrongful arrest and detention of the plaintiffs and their alleged malicious, alternatively negligent, prosecution for unlawful possession of firearms.

The lawfulness of the arrest: One of the issues that arose was whether the police could arrest a person without a warrant of arrest for an offence where the court had a discretion to impose a sentence of six or more months' imprisonment without the option of a fine. The plaintiffs contended that Schedule 1 of the CPA, had to be read that, if a court has the discretion to impose a fine, then the offence was excluded from the Schedule, which in turn meant that an arrest without a warrant was impermissible for such an offence.

### **REVIEW POWERS OF AN NDPP AND THE POWER OF A COURT TO INTERFERE ON REVIEW WITH A DECISION TAKEN BY AN NDPP IN REVIEWING A DECISION TO PROSECUTE OR NOT TO PROSECUTE**

#### ***Nzuza and Others v National Director of Public Prosecutions and Others 2024 (2) SACR 251 (GP)***

The applicants were miners on strike at Marikana in August 2012, who were indicted in the Mahikeng High Court on several counts, including seven counts of murder and the possession of firearms and ammunition. Through their lawyers, they made representations on 26 August 2016 to the NDPP. After obtaining documentation from the DPP of North West, the NDPP responded to the applicants' lawyers, refusing to review the DPP's decision to prosecute. The applicants then attempted once more to have the NDPP intervene and halt the prosecution at a meeting with the NDPP, and other officials in September 2017.

In the present application, they wanted the court to declare the continuation of their prosecution as unlawful, and to review and set aside the NDPP's decision not to intervene and stop it. They contended that their prosecution had no reasonable prospects of success. This had led to an emotional and financial toll on them, as their legal bills had run into millions of rands while the serious charges against them had caused a lingering stigma against them. They also alleged that their freedom of movement had been limited as they frequently had to report to the police whenever they wished to travel outside the North West province. Further, their prosecution was tainted by bias as members of the police who were caught on video and implicated by other evidence in the killings on 16 August 2012 had not been charged, despite the recommendations of the commission of inquiry.

They argued that there was no rational connection between the evidence before the NDPP and the decision.

### **THE REQUIREMENT OF MALICE OR ANIMUS INIURIANDI TO PROVE A MALICIOUS PROSECUTION.**

#### ***National Director of Public Prosecutions v Mdhlovu 2024 (2) SACR 331 (SCA)***

The NDPP appealed a decision of the High Court which had upheld the respondent's claim for damages for malicious prosecution. The respondent was a prosecutor employed by the NPA, who had reneged on an undertaking, made to the investigation officer in a matter involving charges of murder, armed robbery and the illegal possession of a firearm, to postpone the matter in order to obtain further ballistics evidence concerning the firearm. The investigating officer complained to his superiors, who referred the matter to the DDPP, who took the decision to prosecute the respondent on two counts of fraud and an alternative count of defeating the ends of justice. It was alleged that the respondent had falsely stated that an accused person had no link to the charges brought against him in court, and that the complainant was unable to identify the property that had been stolen in relation to those charges.

The requirement of malice or *animus iniuriandi* to prove a malicious prosecution requires egregious conduct, not just flawed reasoning, and reasonable and probable cause had been established for the institution of the prosecution against an NPA prosecutor on charges of fraud and defeating the ends of justice.



**National Prosecuting Authority**  
South Africa

# **PART B** **OUR STRATEGIC** **FOCUS**

## 4. VISION

Justice in our society so that people can live in freedom and security.

## 5. MISSION

Guided by the Constitution, we in the National Prosecuting Authority, ensure justice for the victims of crime by investigating serious, complex, high profile corruption cases; by prosecuting without fear, favour, or prejudice, and by working with our partners and the public to solve and prevent crime.

## 6. VALUES

**Integrity**, which is displayed through ethical conduct, high moral standards, honesty, moral principles, and values, zero tolerance for bribery or corruption, keeping promises, truthfulness and being beyond reproach.

**Accountability**, which is based on transparent actions and spending, regular contact with partners and routine reporting.

**Service excellence**, which means providing first class customer service and complying with the Batho Pele principles.

**Professionalism**, which can be seen through commitment, dedication, punctuality, competence, and professional conduct in and out of court.

**Credibility**, which is built by behaving consistently and aiming to inspire belief and trust.

The values are contextualised in the NPA Code of Conduct.

# 7. SITUATIONAL ANALYSIS

## 7.1. EXTERNAL ENVIRONMENT

**The Rule of Law:** The rule of law is under threat both locally and globally<sup>2</sup>. On a global scale, the crisis is evident in the current geopolitical landscape, which is characterised by heightened tensions and conflicts between various nations. Some political leaders exploit these tensions as a pretext to undermine the rule of law. This, in turn, has significant negative implications for combating transnational crime, including organised crime and cybercrime. Locally, the rule of law is threatened by the use of Stalingrad tactics by accused individuals who seek to evade justice through prolonged litigation. This practice undermines public confidence in the Criminal Justice System and erodes trust in its ability to uphold justice and accountability. Modernisation of crime fighting strategies is critical to establishing the rule of law.

**Government of National Unity Priorities:** Following the 2024 South African general elections, no single party emerged as the sole governing party, necessitating the formation of the GNU. Consequently, the government's medium-term development plan is based not on a single manifesto but on various manifestos of the political parties within the GNU<sup>3</sup>. Below are the common themes that cut across the manifestos of various political parties within the GNU, concerning the mandate the NPA:

- i. Strengthening the capacity of law enforcement agencies to tackle the following crimes identified as priority:
  - Serious and violent crime (murder, aggravated robbery, burglary, GBVF, etc.),
  - Organised crime and related matters (money-laundering, human and drug trafficking, cash-in-transit heists, gang violence, illegal firearms, etc.),
  - Corruption and related matters (commercial crime, extortion, etc.), and
  - Other special crimes (cybercrime, essential infrastructure crimes, illegal immigration, etc.).

- ii. Improving the efficiency of the criminal justice system to address the delays that lead to a backlog of cases through interventions such as the modernisation of the justice system, the application of restorative justice approaches, and strengthening the forensic capacity of the SAPS Forensic Division to ensure the efficient processing of DNA samples, etc.
- iii. Improving the capacity of law enforcement agencies to deal with complex and serious crimes through interventions such as the use of sophisticated technology, including data analytics, artificial intelligence, and digital forensics; the use of specialised courts for corruption and related matters, as well as sexual offences-especially rape. This would also involve ensuring that crime does not pay, through use of asset recovery.
- iv. Mobilising communities including civil society organisations, in preventing crime through interventions such as community justice. This includes community policing forums, community prosecution interventions, community courts, as well as traditional courts.
- v. Ensuring a victim-centred approach to the criminal justice system, so that victims of crime and their interests are placed at the centre of all proceedings. This is to be achieved through interventions such as the genuine application of the Victims' Charter, the expansion of service centres like the TCCs, and the constant training of officials who interact with victims.
- vi. Strengthening the protection of whistleblowers, which includes the amendment to the Protected Disclosures Act, 2000 (Act No. 26 of 2000), and the Witness Protection Act, 1998, (Act No. 112 of 1998), as well as incentivising mechanisms to encourage people to report incidents of corruption and maladministration.
- vii. Strengthening ethics and accountability through interventions such as the use of rigorous lifestyle audits and other measures. In the NPA, this would pertain to the function of the OPEA; and ensuring both the operational and financial independence of the NPA.

2 Swenson, G. (2025). Rule of law in crisis: The need for a new approach, (accessed from: <https://www.citystgeorges.ac.uk/news-and-events/news/2025/january/rule-of-law-crisis>, dated 17 March 2025).

3 The following political parties are currently participating in the GNU: African National Congress, Democratic Alliance, Patriotic Alliance, Inkatha Freedom Party, Good Party, Pan Africanist Congress of Azania, Freedom Front Plus, United Democratic Movement, Al Jama-ah, Rise Mzansi, and the United Africans Transformation.

Relevant to the NPA, the GNU's founding statement of intent includes the following:

- Rule of law,
- Peace, stability and safe communities, especially for women and children, and
- Strengthening law enforcement agencies to address crime, corruption, and gender-based violence, as well as strengthening national security capabilities.

Finally, it is imperative to note that there is a convergence of ideas between the current parties in the GNU and the opposition parties regarding the manifesto commitments related to the mandate of the NPA. This suggests that even if the opposition parties were to become part of the GNU, it would not necessitate a revision of the medium-term plan concerning the mandate of the NPA, unless there are significant changes in the policy environment.

**Economic Outlook:** The South African economy continues to stagnate. The sluggish economic growth leads to low revenue collection, which in turn undermines government spending. The Minister of Finance stated in his Medium-Term Budget Policy Statement Speech that “*government spending has exceeded revenue since the 2008 global financial crisis*”<sup>4</sup>. As a result, the National Treasury has implemented cost-containment measures to reduce government spending, including spending on addressing crime.

There is also a symbiotic link between economy and crime. When the economy is struggling, some people turn to crime to make ends meet, leading to a rise in criminal activity. This puts pressure on law enforcement agencies including the NPA to manage more cases. Economic hardship often leads to an increase in property crimes and robberies, as people steal items, they cannot afford<sup>5</sup>. It also leads to increased domestic violence and greater consumption of mind-altering substances, leading to

more violence in general. Drug abuse and substance use related crimes continue to be a growing problem in South Africa. Social unrest and violence are also more common during economic downturns. Violent protests can escalate into criminal activities, creating further challenges for law enforcement agencies. Crime undermines the socio-economic health and development of the country<sup>6</sup>. The high crime rate makes it less attractive for businesses to invest and for tourists to visit. This highlights the need for law enforcement agencies, including the NPA, to address crime effectively.

**The Impact of Technology:** Technology has become an integral part of our daily lives, transforming communication, work, and entertainment etc. Moreover, it has led to significant advancements in healthcare, including diagnostic tools and treatments. But technology also raises ethical concerns, such as data breaches and privacy violations. There is a risk of personal information being accessed or misused without consent, leading to breaches of privacy. The spread of misinformation online poses a threat to society, as false or misleading information can influence public opinion and decision-making. These ethical issues highlight the need for robust regulations and the responsible use of technology to protect individuals' rights and uphold ethical standards in the digital age<sup>7</sup>.

Criminality and criminal justice system are not immune to the impact of technology in terms of facilitating, deterring, and resolving criminal activity. For instance, the internet (social media etc.) has opened the doors for new forms of cyber-crime such as hacking, identity theft, online fraud, cyberbullying, etc., where criminals exploit digital vulnerabilities to harm individuals or organisations for personal gain. AI has immense potential in the legal field, offering to change how legal professionals work and how people access the justice system<sup>8</sup>.

4 Godongwana, E. (2023). Medium Term Budget Policy Statement: Speech. Accessed from: <https://www.treasury.gov.za/documents/mtbps/2023/speech/speech.pdf>, dated 11 February 2024.

5 Pudney, S., Deadman, D. and Pyle, D. (2000). The relationship between crime, punishment and economic conditions: is reliable inference possible when crimes are under-recorded? *Journal of the Royal Statistical Society*, 163 (1) 81-97.

6 South African Police Service. (2023). Annual Performance Plan. 2023/2024. Accessed from: [https://www.saps.gov.za/about/stratframework/strategic\\_plan/2023\\_2024/annual\\_performance\\_plan\\_2023\\_2024.pdf](https://www.saps.gov.za/about/stratframework/strategic_plan/2023_2024/annual_performance_plan_2023_2024.pdf), dated 11 February 2024.

7 Marwala, T. (2022). *Closing the gap: The Fourth Industrial Revolution in Africa*. South Africa: Pan Macmillan.

8 Marwala, T. (2024). AI and the law - Navigating the future together. Accessed from: <https://twitter.com/tmarwala/status/1755962623818862699/photo/1>, dated 11 February 2024.

Digital evidence, such as surveillance footage and electronic records, has become crucial in prosecuting cases and securing convictions. If fully embraced, the coexistence of AI and the law could create a legal system that is fairer, more efficient, and easier to access. The arrival of AI, however, poses a great threat to the admissibility of digital evidence.

**Overview of Corruption in South Africa:** Since its inception in 2012, Corruption Watch has received over 47,000 complaints of alleged corruption. In 2024 the organisation received 546 complaints of alleged corruption. The predominant types of corruption that featured in 2024 are maladministration, accounting for 34% of reports, followed by fraud (21%), employment irregularities (16%), bribery or extortion (15%), and procurement irregularities (13%). The highest number of reports received by subsector focused on issues of corruption in the policing sector (13%). The second highest number of complaints was received from the business sector, at 12%, followed by basic education at 11%, and state-owned entities at 7%.

While Corruption Watch's data is by no means a scientific representation of the extent and types of corruption in

South Africa, its figures speak to government's inadequate approach to confronting challenges in policing, safety and security; access to education; and services intended to improve people's lives.

Below is a visual representation of the complaints Corruption Watch received in 2024, broken down by province and type of corruption.

In strengthening the fight against corruption and state capture, the State Capture Commission of Inquiry made two sets of recommendations, namely: operational recommendations and strategic recommendations. Operational recommendations entail the following three sets of recommendations:

- i. The NPA should consider prosecuting individuals and/or companies or entities that are implicated in the report on a range of charges,
- ii. The need to recover the proceeds of crime through AFU, and
- iii. NPA should be part of the law enforcement agencies called upon to conduct further investigations to determine whether certain individuals implicated in the report committed certain offences in questions.

GAUTENG		
Fraud	61	25%
Maladministration	35	14%
Bribery/Extortion	34	14%
Dereliction of Duty	32	13%
Misappropriation of Resources	22	9%

KWAZULU-NATAL		
Dereliction of Duty	12	20%
Fraud	11	18%
Maladministration	9	15%
Abuse of Power	6	10%
Procurement Irregularities	6	10%

MPUMALANGA		
Fraud	6	18%
Misappropriation of Resources	6	18%
Abuse of Power	5	15%
Maladministration	5	15%
Dereliction of Duty	4	12%

FREE STATE		
Dereliction of Duty	6	18%
Fraud	6	18%
Misappropriation of Resources	6	18%
Employment Irregularities	5	15%
Maladministration	4	12%

WESTERN CAPE		
Fraud	17	35%
Dereliction of Duty	9	18%
Abuse of Power	8	17%
Maladministration	4	8%
Bribery/Extortion	3	6%
Other	8	16%

EASTERN CAPE		
Fraud	9	21%
Employment Irregularities	8	19%
Misappropriation of Resources	8	19%
Dereliction of Duty	6	14%
Abuse of Power	4	9%
Other	8	18%

NORTH WEST		
Dereliction of Duty	7	19%
Employment Irregularities	7	19%
Fraud	6	17%
Procurement Irregularities	5	14%
Abuse of Power	4	12%
Other	7	19%

LIMPOPO		
Maladministration	12	34%
Fraud	6	17%
Misappropriation of Resources	4	11%
Dereliction of Duty	3	9%
Abuse of Power	2	5%
Other	8	24%

NORTHERN CAPE		
Dereliction of Duty	5	63%
Bribery/Extortion	1	13%
Fraud	1	13%
Maladministration	1	13%

The second set of strategic recommendations entails the need to amend certain pieces of existing legislation or introduce new ones. This relates to the need for redesigning the anti-corruption architecture<sup>9</sup>, the protection and incentives for whistle-blowers, and the introduction of deferred prosecution agreements, under which the prosecution of an accused corporation can be deferred subject to terms and conditions.

In response to these recommendations, the President of the Republic submitted an implementation plan in October 2022, outlining how the Executive intends to give effect to the recommendations. The implementation plan set out that the Investigating Directorate will be established as a permanent entity within the NPA, and ID investigators will be provided with the requisite criminal investigatory powers as contemplated in the CPA. The legislation establishing the IDAC as a permanent entity has been promulgated and the IDAC formally established in August 2024.

**Gender-based Violence and Femicide:** South Africa has one of the highest rates of violence against women in the world<sup>10</sup> and continues to wrestle with the stubborn challenge of Gender-Based Violence and Femicide (GBVF)<sup>11</sup>. The rates of GBVF in South Africa are at a crisis level. In its 2023/24 annual report, SAPS reported that 42 569 people, most of whom were women, were raped in 2023/24, while the reported incidence of contact crime committed against children decreased by 0,2% from 46 165 in 2022/23 to 46 052 in the same reporting period in 2023/24.

To battle this crisis, the government has introduced a number of policy interventions, the latest being the National Strategic Plan on Gender-Based Violence and Femicide. President Cyril Ramaphosa has also signed

into law the following legislation to strengthen the fight against GBVF<sup>12</sup>:

- Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act 13 of 2021),
- Criminal and Related Matters Amendment Act, 2021 (Act 12 of 2021), and
- Domestic Violence Amendment Act, 2021 (Act 14 of 2021).

These pieces of legislation aim “to address Gender-Based Violence and offences committed against vulnerable persons and provides for additional procedures to reduce secondary victimisation of vulnerable persons in court proceedings”<sup>13</sup>. They also give expression to a victim-centred service delivery model.

However, while the government has been generally successful in crafting policy interventions, it often seems to struggle with the implementation of such interventions. There are, therefore, heightened expectations on the SAPS and the NPA to ensure that GBV victims and survivors are urgently assisted and have a broader and holistic access to justice<sup>14</sup>.

9 Based on the Commission’s recommendation to create the Anti-State Capture and Corruption Commission as well as the Public Procurement Anti-Corruption Agency.

10 World Health Organization (WHO). (2012). Understanding and addressing violence against women: Femicide. Accessed from: [https://apps.who.int/iris/bitstream/handle/10665/77421/WHO\\_RHR\\_12.38\\_eng.pdf](https://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf), dated 28 February 2022.

11 Republic of South Africa. (2021). Overview of National Strategic Plan on Gender-Based Violence and Femicide Roll-out: Year 1 Report, 1 May 2020 – 30 April 2021. Accessed from: [https://www.gov.za/sites/default/files/gcis\\_document/202108/nsp-gbv-year-1-rollout-report-2020-2021-final-version-web.pdf](https://www.gov.za/sites/default/files/gcis_document/202108/nsp-gbv-year-1-rollout-report-2020-2021-final-version-web.pdf), dated 28 February 2022.

12 The Presidency: Republic of South Africa. (2022). President assents to laws that strengthen fight against Gender-Based Violence. Accessed from: <https://www.presidency.gov.za/press-statements/president-assents-laws-strengthen-fight-against-gender-based-violence>, dated 28 February 2022.

13 The Presidency: Republic of South Africa. (2022). President assents to laws that strengthen fight against Gender-Based Violence. Accessed from: <https://www.presidency.gov.za/press-statements/president-assents-laws-strengthen-fight-against-gender-based-violence>, dated 28 February 2022.

14 Republic of South Africa. (2020). National Strategic Plan on Gender-Based Violence & Femicide: Human Dignity and Healing, Safety, Freedom & Equality in our Lifetime. Accessed from: <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf>, dated 10 October 2021.

**South African Chamber of Commerce and Industry Business Confidence Index:** While South Africa is performing poorly in terms of the Corruption Perception Index, the South African Chamber of Commerce and Industry Business Confidence Index (SACCI-BCI) suggests a more positive outlook for the South African economy<sup>15</sup>. The SACCI-BCI is a key economic indicator that measures the overall sentiment of businesses in South Africa. SACCI-BCI is typically presented on a scale, where 100 is often considered a neutral level. Scores above one hundred indicate positive business sentiment, while scores below 100 suggest a negative business sentiment.

**Organised Crime:** Organised Crime has become an existential global problem. According to the Global Organised Crime Index 2023, nearly 83% of the global population resides in countries with elevated levels of criminal activity<sup>16</sup>. Organised crime is a criminal ecosystem that links many of the countless predicate criminal acts (e.g., extortion, illegal mining, money laundering, gang violence etc.) while corruption is the lifeblood of organised crime<sup>17</sup>.

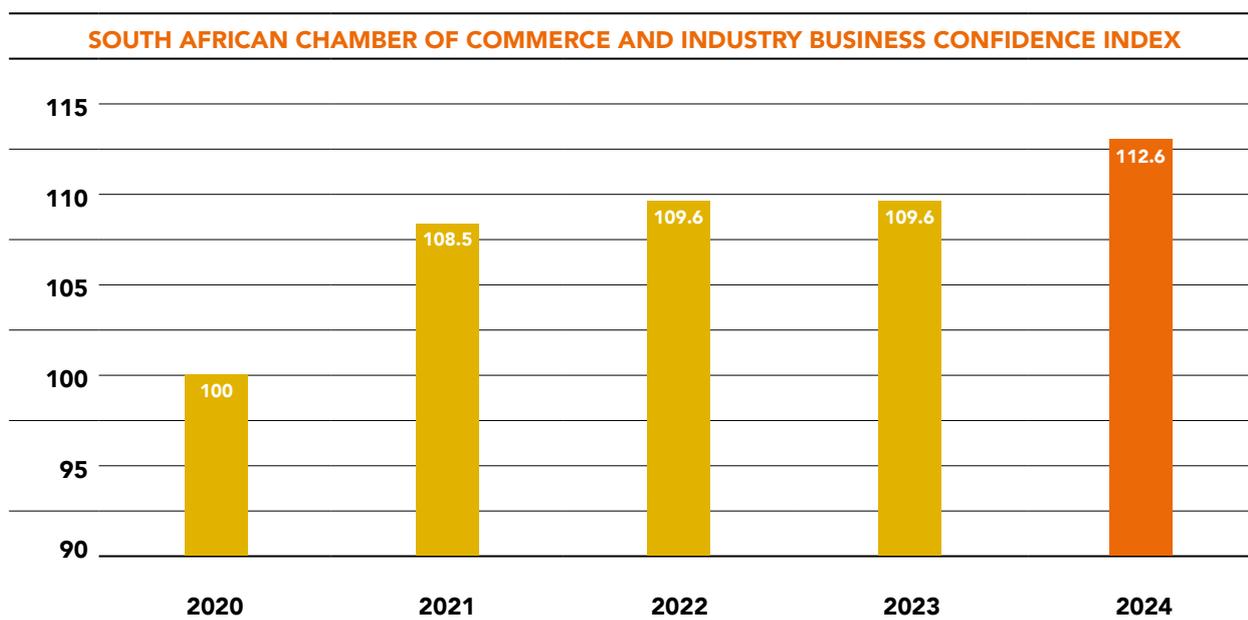


Figure 1: South African Chamber of Commerce and Industry business confidence index

As shown in the graph above, South African business confidence has steadily improved by twelve index points, rising from 100 in 2020 to 112.6 in 2024. The improvement in business confidence is attributed to improvements in the country's governance, including public sector performance.

The Global Initiative Against Transnational Organised Crime (GI-TOC) conducted a strategic organised crime risk assessment of South Africa. The report identified fifteen (15) embedded and interconnected criminal markets that pose the greatest threat to South Africa's well-being, including social, economic, and political harms, as well as threats to national security and the rule of law. These criminal markets

15 South African Chamber of Commerce and Industry. (2024). SACCI Business Confidence Index – September 2024. Accessed from: <https://sacci.org.za/wp-content/uploads/2024/10/SACCI-BCI-SEP-2024-.pdf>, dated 20 November 2024.

16 Global Initiative Against Transnational Organized Crime. (2023). Global Organised Crime Index 2023. Accessed from: [Global-organized-crime-index-2023-web-compressed-compressed.pdf](https://globalinitiative.net/wp-content/uploads/2023/02/global-organized-crime-index-2023-web-compressed-compressed.pdf) (globalinitiative.net), dated 11 February 2024.

17 Global Initiative Against Transnational Organized Crime. (2023). Strategic Organized Crime Risk Assessment: South Africa. Accessed from: <https://globalinitiative.net/wp-content/uploads/2022/09/GI-TOC-Strategic-Organized-Crime-Risk-Assessment-South-Africa.pdf>, dated 11 February 2024.

have been grouped into three thematic categories, namely selling the illicit<sup>18</sup>, dealing in violence<sup>19</sup>, and preying on critical services<sup>20</sup>. The assessment report also found that organised crime has expanded across the country, forming global connections, and demonstrating resilience against often inadequate law enforcement efforts<sup>21</sup>.

Feelings of Safety and Security: According to the Stats SA Victims of Crime Survey 2023/24, housebreaking is the most prevalent type of crime experienced by South African households, as reflected in the graph below.

The NPA has responded to the GI-TOC Risk Assessment report by developing a departmental strategy against organised crime. The next step should ideally be the Integrated National Strategy Against Organised Crime as suggested by GI-TOC.

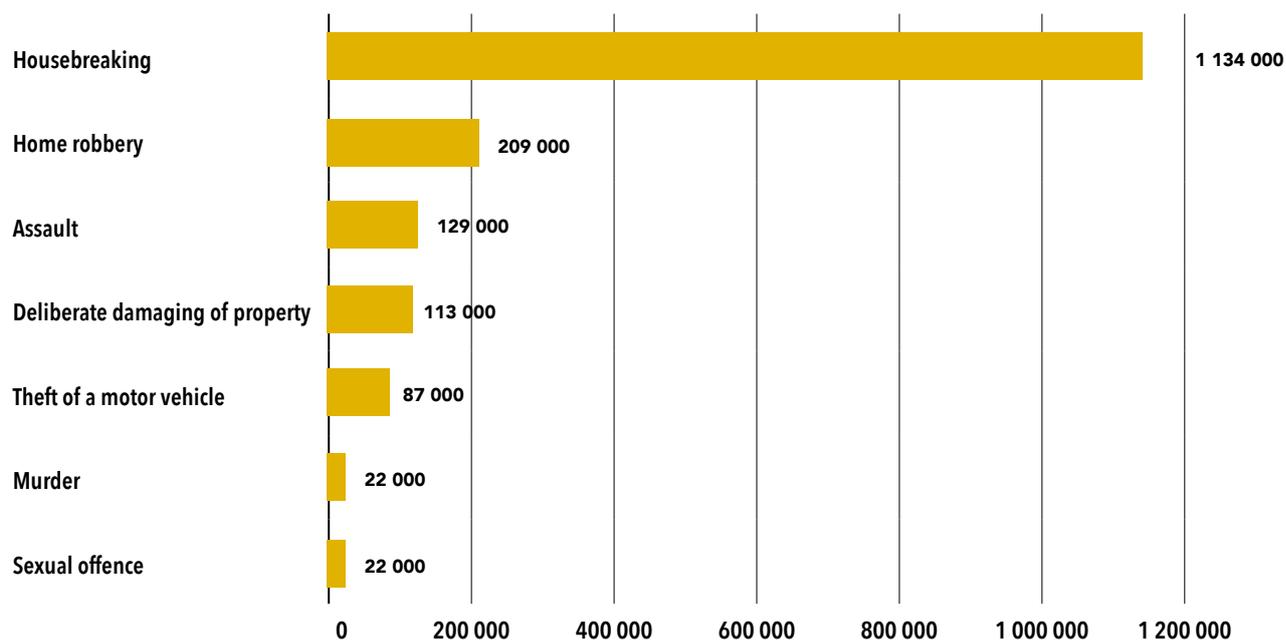


Figure 2: Number of households that experienced specified types of crime

18 This includes illicit drugs, illegal firearms, human smuggling and trafficking, and wildlife, fishing and environmental crimes.

19 Which includes extortion, kidnapping for ransom, organised robbery, and organised violence.

20 This includes critical infrastructure, organised corruption, cybercrime, economic and financial crime, health sector crime, mass public transport (minibus taxis and buses), and illegal mining.

21 Global Initiative Against Transnational Organized Crime. (2023). Strategic Organized Crime Risk Assessment: South Africa. Accessed from: <https://globalinitiative.net/wp-content/uploads/2022/09/GI-TOC-Strategic-Organized-Crime-Risk-Assessment-South-Africa.pdf>, dated 11 February 2024.

Approximately 1.13 million households experienced around 1.48 million incidents of housebreaking during the 12-month period prior to April 2023/24. The second most common crime at the household level is home robbery, with 209 000 households falling victim to about 263 000 incidents. Housebreaking accounts for two-thirds (66%) of household-level crimes covered by the survey, followed by home robbery at 12%.

Housebreaking is not only the most prevalent type of crime experienced by households, but the trend shows that it is also consistently increasing, as shown in the graph below.

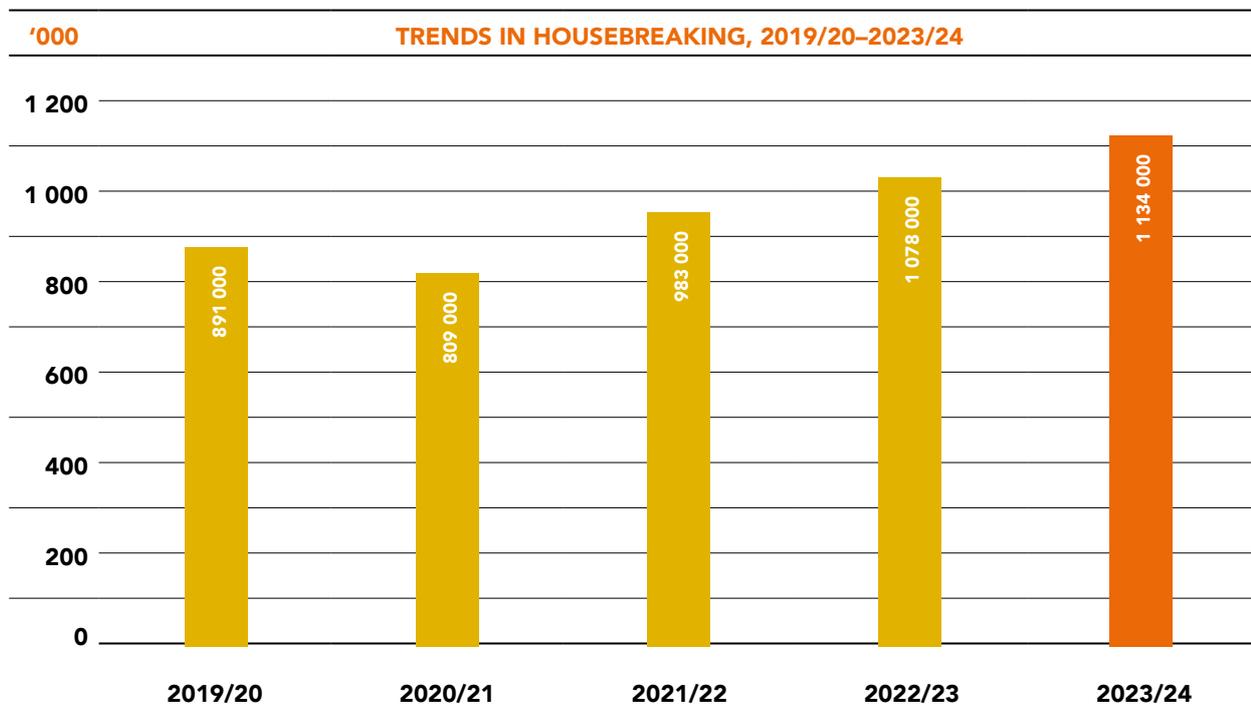


Figure 3: Trends in housebreaking, 2019/20–2023/24

Despite housebreaking being the most prevalent type of crime experienced by households, very few incidents result in criminal resolutions.

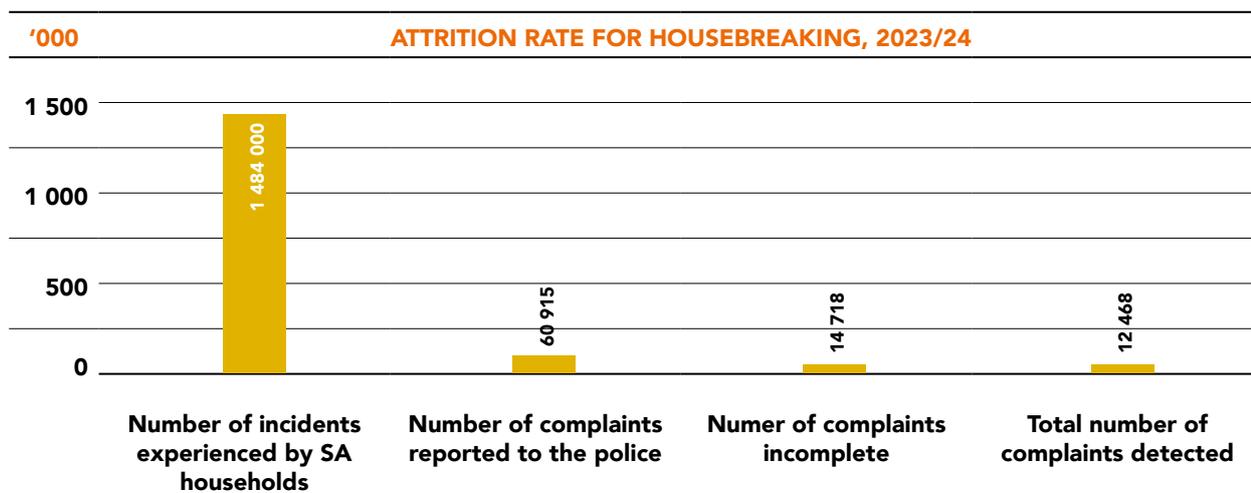


Figure 4: Attrition rate for housebreaking, 2023/24

As shown in the graph above, out of 1.48 million incidents reported during the 12-month period prior to April 2023/24, only 60 915 were reported to the police, with just 12 468 detected, resulting in a detection rate of only 16%.

Home robbery follows a similar trajectory in terms of both the trend and the attrition rate. Both housebreaking and home robbery are regarded as the most feared types of crime among households, and the trends and attrition rates for these crimes do not inspire confidence in the criminal justice system’s ability to ensure feelings of safety and security.

Although murder and sexual offences may not be as common as housebreaking and home robbery, these crimes are among the most heinous and significantly impact people’s feelings of safety and security. The graph below illustrates a five-year trend for murder.

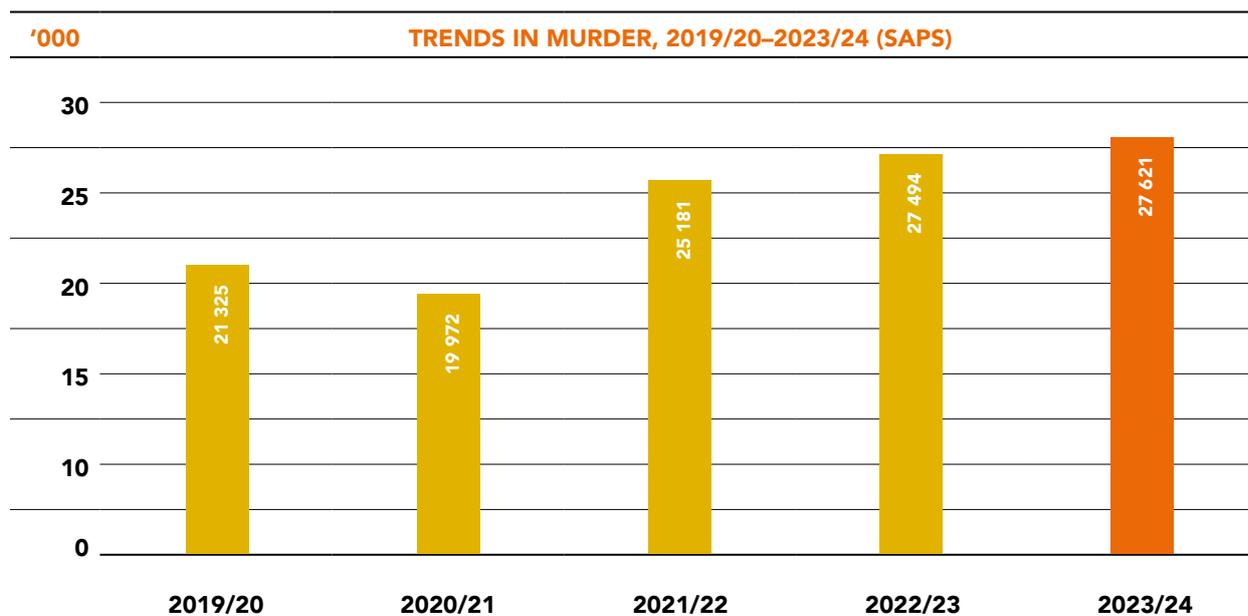


Figure 5: Trends in murder, 2019/20–2023/24 (SAPS)

As shown in the graph above, the number of murders increased by 6 296 (30%) over a five-year period, from 21 325 in 2019/20 to 27 621 in 2023/24. Cumulatively, 121 593 people were murdered in this country over this five-year period.

Although the number of reported rapes decreased slightly from 42 780 in 2022/23 to 42 569 in 2023/24, the overall prevalence of rape in South Africa remains a critical concern, as illustrated in the graph below. It is important to note that the decrease in 2020/21 is attributed to the Coronavirus Disease 2019 (COVID-19) lockdown measures. Cumulatively, over 200 000 people (205,707), primarily women and children, were raped over a five-year period (rape accounts for approximately 80% of all sexual offences).

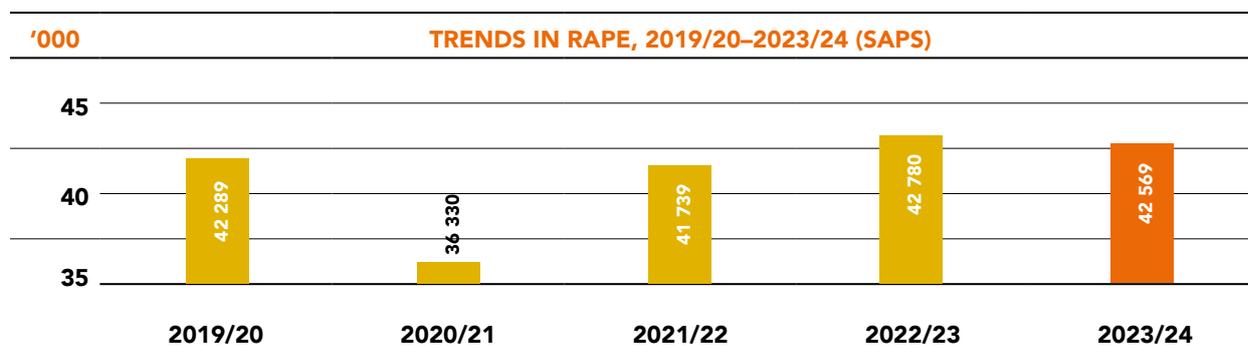


Figure 6: Trends in rape, 2019/20–2023/24 (SAPS)

In terms of the crime resolution rate, rape cases are more likely to be resolved than murder cases. As shown in the graph below, out of 90 263 counts of murder in 2022/23, only 11 265 were detected, translating to a detection rate of just 12%. Of these, the NPA managed to finalise 3 738 cases, with a conviction rate of 79.8% (2 982 convictions)<sup>22</sup>.

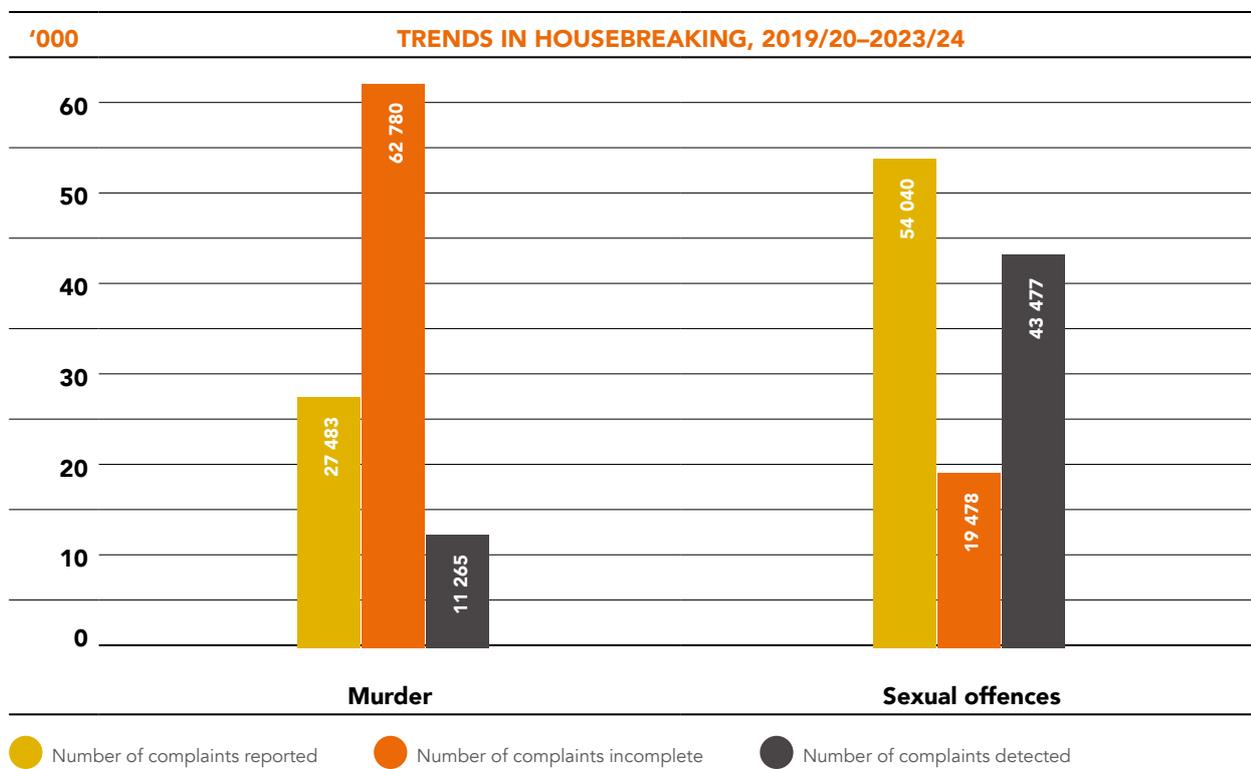


Figure 7: Attrition rate for murder and sexual offences, 2022/23 (SAPS)

Out of 73 518 counts of sexual offences, 43 477 were detected, resulting in a detection rate of 59%. Of these, the NPA managed to finalise 4 627 sexual offences cases, with a conviction rate of 74.8% (3 460 convictions)<sup>23</sup>. The attrition rate for sexual offences may be attributed to under-reporting. There are several reasons for under-reporting, which include “victims’ perceptions that they will be badly treated by SAPS members and other officials working in the criminal justice system, or the belief that nothing will come of reporting to the police”<sup>24</sup>. The fight against violent crime, particularly murder and rape, has been undermined by challenges in managing forensic Deoxyribonucleic Acid (DNA) evidence, owing to shortages of essential chemicals required for DNA analysis<sup>25</sup>. The SAPS Forensic Science Laboratory is working to address these challenges.

Based on the prevalence, trends, and attrition rate analysis of housebreaking, robbery, murder, and sexual offences, it is evident that the efforts of the criminal justice system to combat these crimes are not effective. The criminal justice system’s limited capacity only processes a few cases to trial and conviction. It is therefore, critically important that the justice system, including the NPA, prioritises cases and select matters for prosecution that have the greatest impact on disrupting the targeted forms of criminality<sup>26</sup>. For this reason, the NPA has adopted a prosecutorial prioritisation practice. Thus far, a few criminal matters have been selected for prioritisation, including housebreaking in KwaZulu-Natal Division, stock-theft in the Free State Division, and firearms offences in the Western Cape Division. This practice is still in the pilot stage and requires proper formalisation, including the development of a policy framework or guidelines.

22 National Prosecuting Authority. (2023). NPA Annual Report 2022/23.

23 National Prosecuting Authority. (2023). NPA Annual Report 2022/23.

24 Civilian Secretariat for Police. (Unknown year: 1). Policy on reducing barriers to the reporting of sexual offences and domestic violence. Unpublished document. Email from Bradley Smith (bsmith@npa.gov.za) to Thomas Tshilowa (ttshilowa@npa.gov.za), dated 26 October 2016. 2). The British Journal of Criminology, 2023, 63, 588–614 <https://doi.org/10.1093/bjc/azac044> Advance access publication 12 July 2022).

25 National Prosecuting Authority. (2024). NPA Annual Report 2023/24.

26 Schönteich, M. (2024). Victims of Crime Survey, 2023/2024: Review of Housebreaking & Home Robbery Data.

Improved Investor Confidence in SA through High-Impact Prosecution: As indicated above, ‘improved investor confidence in South Africa through high-impact prosecution’ is the second outcome of the Strategy. The evaluation of the Strategy in relation to this outcome is based on the following external and internal indicators:

- i. Transparency International Corruption Perception Index Score,
- ii. South African Chamber of Commerce and Industry Business Confidence Index,
- iii. Number of persons convicted of corruption,
- iv. Value of freezing orders obtained for corruption or related offences, and
- v. Value of recoveries relating to corruption or related offences.

**Number of persons convicted of corruption:** As indicated above, the NPA’s contribution to ‘improved investor confidence in South Africa through high-impact prosecution’ is also measured using internal performance indicators. In this regard, the number of persons convicted of corruption and related matters decreased by 44%, from 417<sup>27</sup> in 2019/20 to 233 in 2020/21 after which it rebounded by 67%, increasing from 233 in 2020/21 to 389 in 2023/24, as shown in the table below.

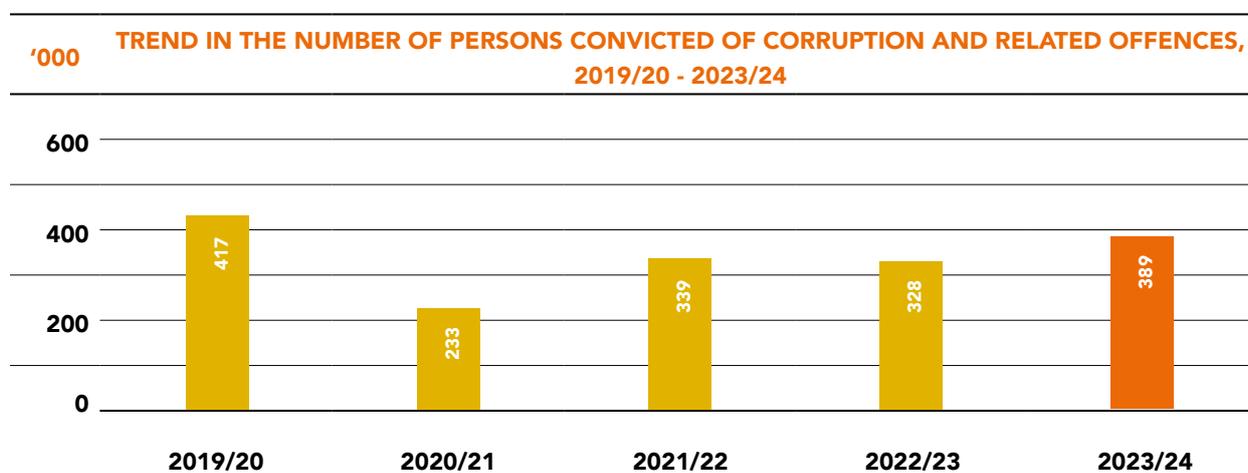


Figure 8: Trend in the number of persons convicted of corruption and related offences, 2019/20 - 2023/24

Cumulatively, 1,706 persons were convicted of corruption and related matters over the five-year period from 2019/20 to 2023/24. This trend has been influenced by several factors, including the COVID-19 lockdown measures, the injection of new leadership, and staff morale. The NPA has yet to surpass its 2019/20 performance regarding the number of persons convicted of corruption and related matters, during which 417 individuals (comprising government officials and private individuals) were convicted.

The difficulty in prosecuting a substantial number of corruption cases is attributed to the following factors:

- i. Corruption investigations take a long time to complete due to their complexities,
- ii. The practice of Stalingrad tactics and the seeming inability of both the NPA and the courts to effectively address it,
- iii. Limited investigative and prosecutorial resources, and
- iv. The complex nature of investigations often leads to unanticipated new lines of enquiry.

Although this trend may not inspire public and investor confidence in the NPA’s ability to prosecute and combat corruption, the NPA has succeeded in countering the perception that elites, particularly high-profile politicians, can engage in corruption without consequences.

<sup>27</sup> This figure includes both government officials and private individuals.

While the NPA has yet to surpass its 2019/20 performance regarding the number of persons convicted of corruption and related matters, there has been a notable increase in the number of cases finalised with verdicts involving money laundering, as reflected in the graph below.

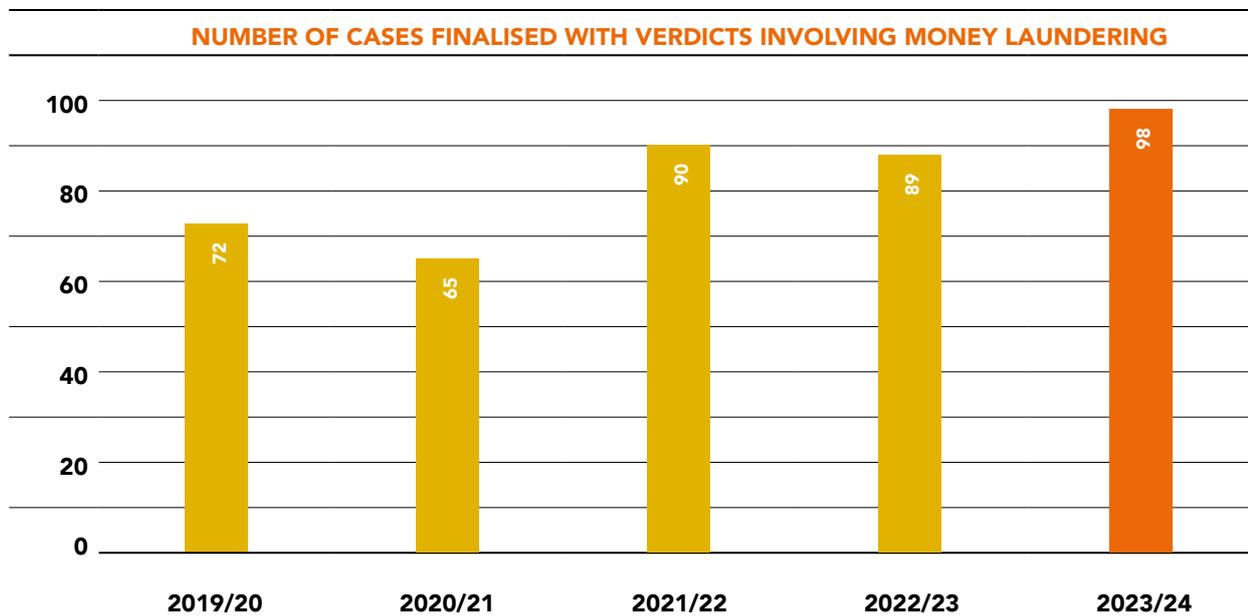


Figure 9: Number of cases finalised with verdicts involving money laundering

Money laundering and terror financing are significant concerns for investors. Therefore, the prosecution of money laundering cases demonstrates the NPA's commitment to addressing the FATF's recommendations. This will ensure that South Africa exits the grey list, thus reducing the costs of doing business in our country.

Value of Freezing Orders and Recoveries Relating to Corruption or Related Offences: The table below illustrates the value of freezing orders and recoveries related to corruption and related offences. It shows that the value of recoveries in 2023/24 is significantly higher than that of 2019/20. The 2019/20 – 2020/21 performance can be attributed to several factors, including the high vacancy rate, which has since been brought under control.

Table 1: Value of freezing orders and recoveries relating to corruption and related offences

AFU Indicators for	2019/20	2020/21	2021/22	2022/23	2023/24
Value of freezing orders in corruption or related offences	R1.6bn	R611m	R5.5bn	R570m	R932m
Value of recoveries in corruption or related offences	R3m	R3m	R117m	R2.6bn	R787m

One of the ongoing challenges for the AFU is its dependence on both internal and external partners and stakeholders for case referrals. Complex cases can take longer to investigate; thus, delayed referrals to the AFU impact its performance in preparing its cases. Once the matter is in court, delays in prosecutions are outside the hands of the AFU, as the court process must take its due course. Delays in the prosecution impact the ability of the AFU to obtain confiscations and make subsequent recoveries. The AFU is therefore increasing its focus on Chapter 6 of POCA or non-conviction-based forfeiture. The latter, however, also has its challenges. Policy research is needed to explore potential options for sourcing cases for the AFU.

## 7.2. INTERNAL ENVIRONMENT

The NPA's Strategic Plan 2020-2025 was designed to support the Medium-Term Strategic Framework (MTSF) 2019-24, Priority 6: Social Cohesion and Safe Communities. The implementation of the NPA Strategy was set to be measured by the following outcomes, using both internal and external data sources, such as the NPA Crime and Criminal Justice Survey and Statistics South Africa's Governance, Public Safety, and Justice Survey:

- i. Increased feelings of safety and security,
- ii. Improved investor confidence in South Africa through high-impact prosecutions, and
- iii. Improved access to NPA services for all.

Improved Access to NPA Services for All: The third outcome of the NPA Strategy 2020 – 2025 is 'improved access to NPA services for all'. This is measured through the following internal and external indicators:

- i. Households' satisfaction with the way courts deal with perpetrators of crime,
- ii. Customer satisfaction with NPA services,
- iii. Number of Thuthuzela Care Centres, and
- iv. NPA-Community engagement.

Customer satisfaction with NPA services: According to the NPA Crime and Criminal Justice Survey 2025, the majority (84% or 1,253) of victims and witnesses who participated in the survey were satisfied with the services they received from prosecutors in court<sup>28</sup>. In contrast, only 6% expressed dissatisfaction, as illustrated in the graph below.

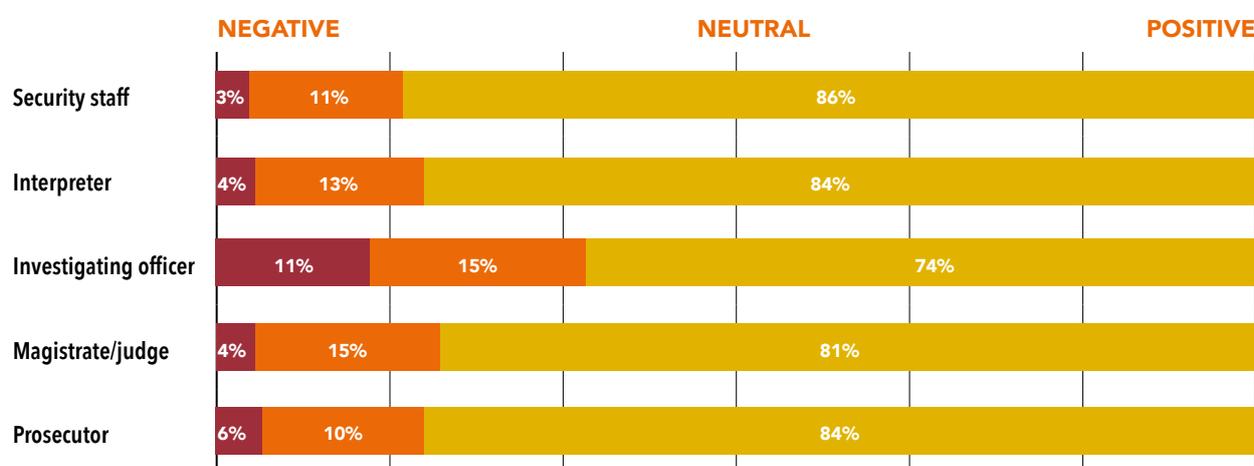


Figure 10: Satisfaction with services from court officials (Source: Insurvey, 2025)

Furthermore, 91% of survey participants felt that prosecutors considered their interests during court proceedings, as illustrated in the graph below.

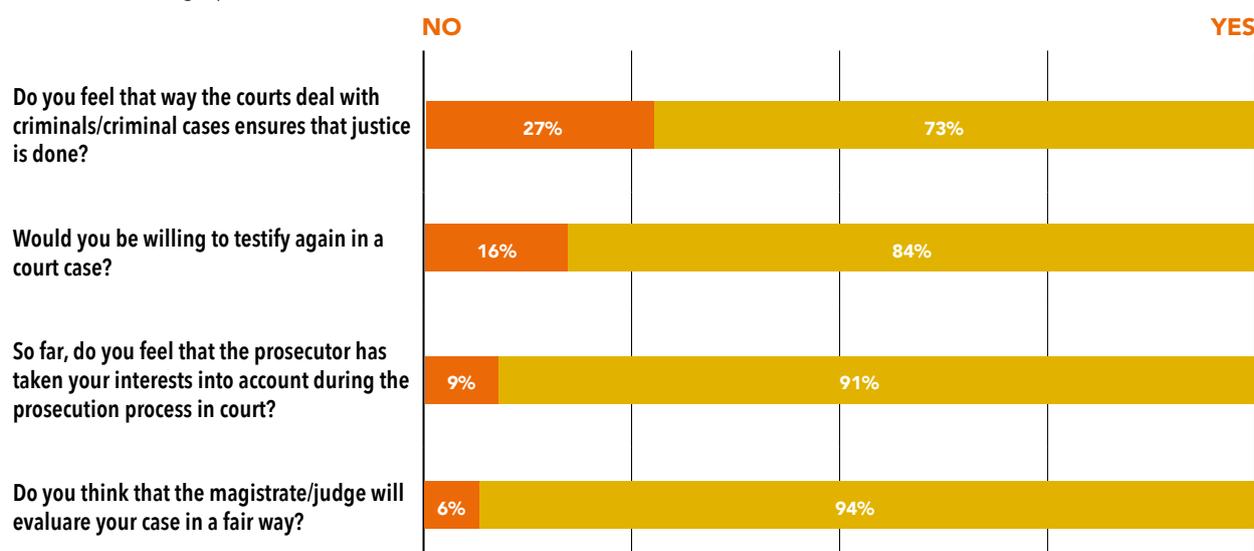


Figure 11: Witnesses & Complainants Interest (Source: Insurvey, 2025)

28 Insurvey. (2025). Crime and Criminal Justice Survey.

Dissatisfaction with court officials is attributed to delays in court processes, waiting at court, and the lack of information about the court process and the progress of the case. Accordingly, the NPA, in collaboration with other court officials, needs to address these service issues.

**Number of Thuthuzela Care Centres (TCCs):** The footprint of the TCCs, which provide comprehensive services and support to victims of sexual violence to enhance prosecution outcomes, has been expanded from 55 in 2020/21 to 64 in 2024. However, it is important to note that although the increase in the footprint of the TCCs is commendable, such expansion only reaches a fraction of the total number of regional courts in the country.

**NPA-Community Engagement:** Governance is traditionally understood to refer to the application of rules and regulations, transparency, or accountability<sup>29</sup>. However, contemporary scholarship has since expanded the traditional narrow definition of governance to include participatory governance<sup>30</sup> (stakeholder consultation), which, in the case of the NPA, would consist of the concept of Community Prosecution. Community Prosecution is an NPA-community engagement model where prosecutors collaborate with community stakeholders in high-priority crime areas to identify the causal factors of specific crimes and devise community-oriented solutions to combat such crimes<sup>31</sup>.

### TYPES OF COMMUNITY PROSECUTION INTERVENTIONS (N=50)

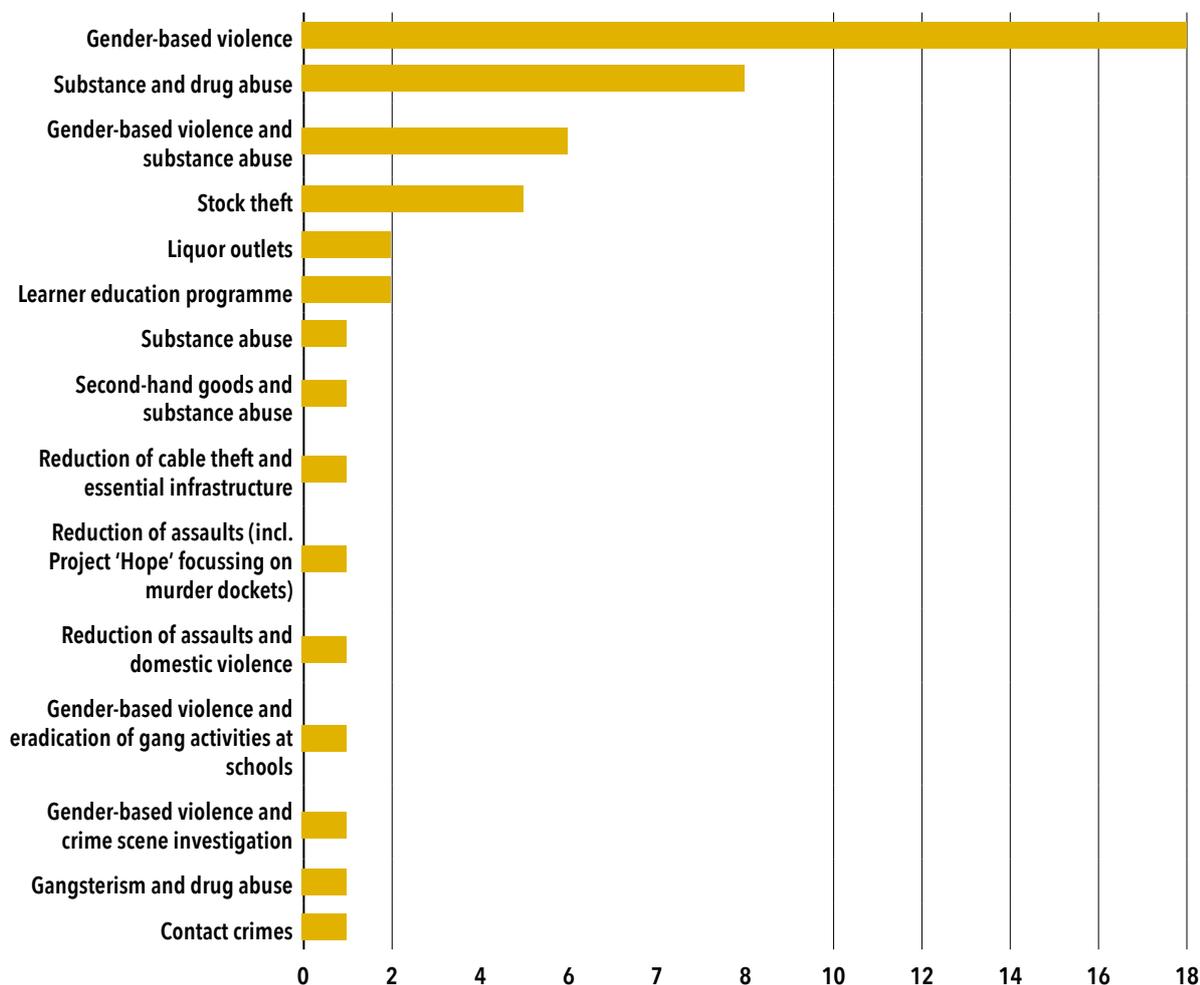


Figure 12: Types of Community Prosecution Interventions (N=50)

29 Grindle, M. S. (2007). Good enough governance revisited. *Development Policy Review*, 25(5), 553-574.

30 Gumede, V. (2011). Public policy making in South Africa. In C. Landsberg & A. Venter (Eds), *South African Government and Politics*, (pp. 165-183) Pretoria: Van Schaik Publishers.

31 Griggs, R.A. (2007). An evaluation of nine pilot sites to propose a South African model of community prosecution. Unpublished document.

In 2006–2007, the NPA piloted the concept of Community Prosecution in nine selected high-crime areas/sites across South Africa. The testing of the concept was accompanied by an evaluation study, which showcased the benefits of the initiative and recommended that it should be rolled out across the country<sup>32</sup>. It is for this reason (and others) that the NPA leadership resolved to revive this model of community engagement in 2021.

Community Prosecution is being institutionalised into a routine operation of the NPS by incorporating it into the NPS Operation Plan. As shown in the graph above, there are currently 50 community prosecution sites and interventions across the 11 divisions of the NPS, with each site manned by a prosecutor appointed to serve as a community prosecutor.

Some early signs of success for the Community Prosecution include:

- i. Closure of illegal liquor outlets,
- ii. Increase in the number of reported cases of GBV,
- iii. A decrease in the number of stock-theft cases brought to court,
- iv. Enhanced collaboration between prosecutors, SAPS, NGOs, etc., in addressing the community irritant,
- v. Community members are informed about the criminal justice system, including the court process, as well as the work of the NPA, and
- vi. Enhancing access to NPA services by playing the coordination/liaison role between prosecutors and the community.

NPA 2020-2025 Strategic Initiatives: Finally, the Strategy was also supported by the following strategic initiatives:

- Restoration of NPA credibility.
- Innovation and Policy Support Office.
- Enhancement of organisational capacity.
- Strengthening organisational performance through skills development.
- Promotion of sound workplace relations and employee wellbeing.
- Strengthening NPA communications.
- NPA complaints and ethics mechanisms.
- NPA autonomy.
- Implementation of the Electronic Case Management System.

Some of these strategic initiatives were elevated to programmes that required separate implementation plans (e.g., Community Prosecution, Strengthening NPA Communication, and NPA OEA), while others remained just the activities of the Strategy. The following are key cross-cutting lessons from the implementation of the strategic initiatives:

- Initiatives require separate plans with respective measurable Theories of Change,
- Corresponding resources, including thought leaders/content leaders, planners, and Monitoring and Evaluation (M&E) officials, are essential, and
- Seamless integration of these initiatives into the Annual Performance Plans (APPs) and Annual Operational Plans (AOPs) is crucial.

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<sup>32</sup> Griggs, R.A. (2007). An evaluation of nine pilot sites to propose a South African model of community prosecution. Unpublished document.

## 8. STAKEHOLDER MATRIX

Stakeholders	Definition of stakeholders	Influence/ cruciality	Role of stakeholders
<b>OVERSIGHT BODIES</b>			
Parliament Portfolio Committee	Executive structure of Government	Indirect	Approval of policy documents, legislation, and the Department's plans
Audit Committee	Independent oversight body	Directly	Advisory role over oversight of financial reporting, internal controls, compliance, and audit processes
Risk Management Committee	Independent oversight body	Directly	Review of risk management plan and strategy
<b>JUDICIARY</b>			
Judiciary	In terms of section 165(1) and (2) of the Constitution, the judicial authority of the Republic is vested in the courts, which are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour, or prejudice	Directly	Oversee case management and adjudicate over court matters
<b>GOVERNMENT DEPARTMENTS</b>			
South African Police Service (SAPS)	Oversees law and order in the country	Directly	Policing, securing personnel for court appearance
Directorate for Priority Crime Investigation (DPCI)	The functions of the Directorate are to prevent, combat and investigate: (a) National priority offences, which in the opinion of the National Head of the Directorate need to be addressed by the Directorate and (b) Offences referred to in Chapter 2 and 34 of the PRECCA	Directly	Investigation, collaboration on priority areas
Department of Home Affairs	Maintains the national population register (civil registry), including issuing identity documents and passports	Directly	Immigration cases

Stakeholders	Definition of stakeholders	Influence/cruciality	Role of stakeholders
<b>GOVERNMENT DEPARTMENTS (CONTINUED)</b>			
Department of Social Development/ Department of Health	Management and oversight over social security, encompassing social assistance and social insurance policies Responsible for the Health Portfolio in the Republic of South Africa	Directly	Provides psychiatric observation services and DNA testing services Support TCCs
National Treasury	Allocation of the budget	Directly	Allocates budget and monitors its implementation
<b>CIVIL SOCIETY</b>			
Civil Society	Organisations found in communities, e.g., non-profit organisations, advocacy groups, foundations, or faith-organised groups	Directly	Participate in the implementation of departmental programmes
<b>ENTITIES</b>			
Legal Aid South Africa	Independent statutory body established by the Legal Aid South Africa Act 39, 2024 as amended	Directly	Provides legal aid to indigent people and legal representation at the state's expense
SIU	Independent statutory body established in terms of the Special Investigating Units and Special Tribunals Act, Act No. 74 of 1996 (SIU Act)	Directly	Investigate and referral of cases of 'serious malpractices or maladministration in connection with the administration of state institutions, state assets and public money'
<b>INTEGRATED JUSTICE SYSTEM</b>			
Integrated Justice System	The IJS is the JCPS programme aimed at transforming, integrating, and modernising the Criminal Justice System into a modern, efficient, effective, and integrated solution	Directly	Improve efficiency and coordination across criminal justice space, focusing on system integrations and court performance enhancement

# 9. ORGANISATIONAL STRUCTURE





## NATIONAL PROSECUTIONS SERVICE

### DIRECTORS OF PUBLIC PROSECUTIONS



**MR. BARRY MADOLO**

Director of Public  
Prosecutions: Eastern Cape  
Division



**ADV. NAVILLA SOMARU**

Director of Public  
Prosecutions: Free State  
Division



**ADV. MARIKA JANSEN  
VAN VUUREN**

Director of Public  
Prosecutions: Gauteng  
Division, Pretoria  
(Acting)



**ADV. ANDREW CHAUKE**

Director of Public  
Prosecutions: Gauteng Local  
Division, Johannesburg



**ADV. ELAINE HARRISON**

Director of Public  
Prosecutions: KwaZulu-Natal  
Division



**ADV. IVY THENGA**

Director of Public  
Prosecutions: Limpopo  
Division



**MR. SONJA NTULI**

Director of Public  
Prosecutions: Mpumalanga  
Division (Acting)



**MR. LIVINGSTONE  
SAKATA**

Director of Public  
Prosecutions: Northern  
Cape Division



**ADV. RACHEL MAKHARI-  
SEKHAOLELO**

Director of Public  
Prosecutions: North West  
Division



**ADV. NICOLETTE BELL**

Director of Public  
Prosecutions: Western Cape  
Division

### SPECIAL DIRECTORS OF PUBLIC PROSECUTIONS



**VACANT**

Special Director of Public  
Prosecutions: NPS & Tax



**ADV. NKEBE KANYANE**

Special Director of Public  
Prosecutions: SCCU



**ADV. BONNIE  
CURRIE-GAMWO**

Special Director of Public  
Prosecutions: SOCA



**ADV. GIDEON  
MASHAMAITE**

Special Director of Public  
Prosecutions: PCLU  
(Acting)



**National Prosecuting Authority**  
South Africa



## **PART C** **MEASURING OUR PERFORMANCE**

# 10. INSTITUTIONAL PERFORMANCE INFORMATION

## 10.1. THEORY OF CHANGE 2025-2030

In developing the 2025-30 Strategic Plan and 2025/26 APP, the Theory of Change was used as a planning tool to map out interventions that will assist the NPA to achieve the desired outcomes and impact. The table below outlines the Theory of Change associated with achievement of two high-level NPA outcomes: (i) improved public confidence in the NPA and the Criminal Justice System and (ii) improved access to NPA services.

DOJ&CD IMPACT: IMPROVED PUBLIC PERCEPTION, CONFIDENCE IN THE JUSTICE SYSTEM AND RESPECT FOR THE RULE OF LAW						
NPA IMPACT: A South Africa in which crime is significantly reduced and everyone feels safe and abides by the law.						
MTDP Priority	Outcomes	Outcome Measures	Outputs	Activities	Inputs	Assumptions
A Capable, Ethical and Developmental State.	Improved public confidence in the NPA and the Criminal Justice System.	Successful prosecution of serious violent crime.	Effective Prosecutions Conducted.	Determine sufficient resources in complicated matters. Enhance case flow management.	Resources: funding, personnel, equipment and technology. Information: policies, laws, regulations, and guidelines.	All matters are thoroughly investigated, and all relevant information is gathered. Dockets are thoroughly screened. Cases are prioritised for prosecution. Budget allocation is effective and responsive. Staff are appointed and utilised effectively. Donors are identified and secured to provide financial support for the investigation and prosecution processes. Investigations are completed within a reasonable timeframe to ensure justice is served.
		Enhanced effectiveness of anti-money laundering/ counter terrorism financing.	Reduced organised crime. Fraud and Corruption dealt with.	Enhance internal collaboration with Business Units/External collaboration with partners. Enhance international co-operation and MLA co-ordination including amendments to ICCMA that are not reliant on ministerial and judicial approval.		
		Percentage conviction rate for identified crimes of priority offences and recoveries of assets that are proceeds of crime.	Proceeds of crime addressed.	Prioritise serious and violent crime. Implementation of GBVF action plan. Prioritisation of Corruption and Complex Commercial Crime related matters. Implement the Organised crime strategy. Guide and manage the investigation in all trafficking matters. Address Money Laundering and Terror Financing through effective investigation and prosecution. Non-trial resolution – law reform, and prioritise as crime fighting methodology.		
	Improved access to NPA services.	Victim-centric services enhanced through implementation of NSP on GBV and Sexual Offences.	Victim Centric Services enhanced.	Enhance victim empowerment and support by expanding national footprint of Operational TCCs: Effective Court Preparation work, Maintenance and Trafficking in Person (TIP) matters. Improved stakeholder co-operation re maintenance matters. Witness Protection Programme. Prioritise the finalisation of cases where witnesses are on the Witness Protection Programme. Develop and promote the NPA service delivery charter. Expand the community prosecution project and focus areas.	Resources: funding, personnel, equipment and technology Information: policies, laws, regulations and guidelines	Funding is secured. Stakeholder management maintained. Public is aware of TCC sites and services. Witnesses willing to remain in programme. Legislative amendments finalised.

## 10.2. IMPACT STATEMENT

<b>IMPACT STATEMENT</b>	A South Africa in which crime is significantly reduced and everyone feels safe and abides by the law.
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## 10.3. MEASURING OUTCOMES

The strategic plan 2025-2030 shall be monitored throughout the MTDP period to assess its effectiveness, successes and challenges in pursuit of its short-term as well as long-term deliverables. Sustainable successes in the delivery of outputs and outcomes will support the above 5-year impact statement as pre-determined:

MTDP PRIORITY	STRATEGIC PRIORITY 3: A CAPABLE, ETHICAL, AND DEVELOPMENTAL STATE		
DOJ&CD Outcome	Outcome 6: Fighting Crime and Corruption through prosecution		
Sub-Outcomes	Outcome Indicator	Baseline	5-year Target
Improved public confidence in the NPA and the Criminal Justice System	Successful prosecution of serious violent crimes	77%	Conviction rate in murder prosecutions - (80.4%)
		69%	Sexual Offences conviction rate - (72.3%)
	Successful prosecution of corruption and related matters	86	Nr. of Money Laundering & Terrorism Financing cases finalised - (120)
		80%	Corruption conviction rate - (84%)
		R1bn	Total value of freezing orders - (R3.5bn)
		R5.3bn <sup>33</sup>	Total value of recoveries - (R800m)
Percentage conviction rate for identified priority offences	N/A	Conviction rate for Serious Commercial Crime and Serious Organised Crime - (90%)	
Improved access to NPA services	Increased footprint of TCCs nationally	64	10 new TCCs 74 (Operational TCCs nationally)

33 Shared baseline with Special Investigation Unit

## 10.4. EXPLANATION OF PLANNED PERFORMANCE OVER THE FIVE-YEAR PLANNING PERIOD

**Conviction rate in Murder and Sexual Offences:** The NPA contributes to the government priority of increasing feelings of safety and security in communities, particularly among women and children. The NPA shall conduct effective prosecutions and strive for convictions. The pursuit for creating a safer community will be enhanced through the prioritisation of Sexual Offence Community Affairs (SOCA) initiatives, namely: DNA backlog, serial rapist, teenage pregnancy, and community prosecutions projects.

**Number of Money Laundering and Terrorism Financing cases finalised:** The indicator will require the NPA to continue collaborating with relevant government institutions to enhance the effectiveness of South Africa's anti-money laundering/counter terrorism financing regime to mitigate the risks of money laundering, terrorism financing and proliferation financing. The MTDP has committed to ensuring that South Africa is removed from the FATF grey list during the Medium Term Expenditure Framework (MTEF) period, while extensive work is required from both the DPCI and NPA in the investigation and prosecution of money laundering and terrorism financing matters. It is significant to highlight that an amendment is needed to POCDATARA to facilitate asset recovery and prohibition orders.

**Conviction rate for corruption (PRECCA conviction rate):** The fight against corruption remains another priority focus. Over the strategic period, implementation of the National Anti-corruption Strategy by departments in the JCPS value chain through prevention, investigation, prosecution, and conviction shall contribute towards improved public confidence in the NPA and the criminal justice system.

**Total value of freezing orders and asset recoveries:** The AFU will explore several innovative and internationally recognised strategies to enhance its reach and impact. During the strategic period, the AFU will focus on enhanced application of POCA, Chapter 6 proceedings (non-conviction-based) recoveries, which are most effective in disrupting organised crime. Importantly, the AFU has more control over the process, thus enabling it to achieve performance targets.

The increased use of C-ADR is yielding results through legally sound settlements, while the finalisation and operationalisation of asset recoveries related to commercial, state capture, and organised crime will form part of AFU's priority over the strategic period.

**Conviction rate for identified crimes of the priority offences list (Serious Commercial and Organised Crime):** The indicator addresses illicit economic crimes, prioritised organised crime, including serious commercial crime and cybercrime through prevention, investigation, prosecution, and conviction through the Integrated Organised Crime Plan.

**Number of Thuthuzela Care Centres established:** The flagship TCC model will continue to be used to satisfy the obligations of the National Strategic Plan on Gender-Based Violence (NSP) and Sexual Offences. The NSP seeks to increase access to justice for GBV victims and strengthen existing response, care, and support services provided by the state and civil society in ways that are victim-centred, survivor-focused, and trauma-informed.

# 11. RESOURCE CONSIDERATIONS

The Medium Term Expenditure Framework (MTEF) is a budgeting framework that translates the government-wide policies and plans including for NPA. The resource consideration funds clearly defined set of objectives and outcomes based on the services and functions within the prosecution authority's constitutional and legislative mandates in the strategic period 2025-2030.

Table 2: Budget allocation for the NPA per sub-programme over the MTEF period

Sub-Programme	Audited outcome			Adjusted estimates	Medium-term estimates		
	2021/22	2022/23	2023/24		2024/25	2025/26	2026/27
R thousand							
National Prosecutions Service	3,193,928	3,569,434	3,827,049	4,439,788	4,587,261	4,707,007	4,921,361
Investigating Directorate Against Corruption	51,402	101,675	178,534	310,680	308,645	319,659	334,114
Asset Forfeiture Unit	149,150	173,441	219,560	261,402	276,080	286,259	299,202
Office for Witness Protection	176,333	197,136	213,693	266,832	277,810	289,425	302,513
Strategy, Operations and Compliance	626,039	569,398	574,344	609,919	638,149	665,717	694,321
<b>Total</b>	<b>4,196,852</b>	<b>4,611,084</b>	<b>5,013,180</b>	<b>5,888,621</b>	<b>6,087,945</b>	<b>6,268,067</b>	<b>6,551,511</b>
<b>ECONOMIC CLASSIFICATION</b>							
Compensation of employees	3,552,695	3,923,514	4,262,084	4,489,656	5,195,962	5,326,053	5,566,901
Goods and services	467,236	597,649	671,614	801,608	830,696	877,909	917,605
Of which:							
Administrative fees	14,468	14,913	14,829	16,982	19,657	20,558	21,487
Advertising	-	451	987	812	934	977	1021
Minor assets	4,199	3,061	5,337	4,250	4,632	4,844	5,062
Bursaries: Employees	2,514	2,412	4,245	755	824	862	901
Catering: Departmental activities	220	686	3098	1,670	1,855	1,939	2,026
Communication (G&S)	16,505	20,923	32,359	23,233	26,476	27,690	28,942
Computer services	88,693	133,261	104,509	105,766	97,620	104,656	109,388
Consultants: Business and advisory services	5,179	9,958	6138	44,141	53,088	56,112	58,650
Legal services (G&S)	18,500	43,547	14,936	81,040	71,743	77,515	81,020
Contractors	14,721	25,891	71,977	38,394	51,524	54,899	57,382
Agency and support/outsourced services	14,374	19,923	29602	58,578	53,918	56,847	59,417

Sub-Programme R thousand	Audited outcome			Adjusted estimates	Medium-term estimates		
	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Fleet services (including government motor transport)	10,899	16,336	21,168	11,585	12,563	13,139	13,733
Inventory: Other supplies	-	79	1208	-	-	-	-
Consumable supplies	6,307	2,003	4459	4,761	5,372	5,618	5,872
Consumables: Stationery, printing and office supplies	70,782	63,609	33,467	36,259	42,099	44,028	46,019
Operating leases	25,949	37,971	49,597	83,772	87,291	91,519	95,658
Rental and hiring	-	10	230	349	376	393	411
Property payments	79,266	78,302	79,463	101,566	105,647	110,716	115,723
Travel and subsistence	34,879	50,748	83,224	61,150	69,465	72,647	75,932
Training and development	30	1538	2198	5,504	6,000	6,275	6,558
Operating payments	58,433	70,217	103,975	120,041	118,567	125,582	131,261
Venues and facilities	1318	1,810	4,608	1,000	1,045	1,093	1,142
<b>Total Current Payments</b>	<b>4,019,931</b>	<b>4,521,163</b>	<b>4,933,698</b>	<b>5,291,264</b>	<b>6,026,658</b>	<b>6,203,962</b>	<b>6,484,506</b>
Payments for financial assets	4,573	5,290	612	1127	-	-	-
Transfers and subsidies to:	26,512	34,555	31,172	22,500	22,540	23,587	24,654
Departmental agencies and accounts	9,978	10,978	11,882	12,005	11,934	12,440	13,003
Households	16,534	23,577	19,290	10,495	10,606	11,147	11,651
Payments for capital assets	47,820	50,076	47,698	56,242	38,747	40,518	42,351
Other machinery and equipment	35,670	23,963	30,449	56,242	733	767	802
Transport equipment	12,150	26,113	17,249	-	38,014	39,751	41,549
<b>TOTAL</b>	<b>4,098,836</b>	<b>4,611,084</b>	<b>5,013,180</b>	<b>5,371,133</b>	<b>6,087,945</b>	<b>6,268,067</b>	<b>6,551,511</b>

## 11.1. EXPENDITURE TRENDS

The expenditure is expected to increase marginally to R6, 551 billion at an average annual rate of 6.11% over the MTEF period. The focus will be on achieving the strategic objectives and performance targets as per this Plan for 2025/26.

## 12. KEY RISKS

The NPA has identified strategic risks that may potentially affect the achievement of the predetermined results and service delivery, which is in alignment with the organisation's revised focus. Furthermore, mitigation plans have been developed in line with the identified outcomes: (1) improved public confidence in the NPA and the Criminal Justice System; (2) improved access to NPA services.

Table 3: NPA Key Risks

No.	Outcome	Risk Name	Risk Mitigation Plans
SR1.	Improved public confidence in the NPA and the Criminal Justice System.  Improved access to NPA services for all.	<b>Negative audit outcomes.</b>	<p><b>Performance audit:</b></p> <ul style="list-style-type: none"> <li>Escalate challenges relating to quality assurance by external role players, the Acting DDG to raise performance reporting challenges to the DoJ&amp;CD EXCO.</li> <li>Continue to roll-out the Change Management programme.</li> <li>Management to consider data capturing support for ECMS through work study.</li> <li>Engage with IJS and JCPS partners to fully implement ECMS.</li> <li>Introduce ECMS at the induction/aspirant prosecutor programme for prosecutors.</li> <li>Development of performance reporting business process and standard operating procedures.</li> </ul> <p><b>Regulatory Audit:</b></p> <ul style="list-style-type: none"> <li>In future, asset management will be incorporated into the Logis System. The engagement is taking place with the National Treasury.</li> <li>Continue to raise awareness of 30-day compliance in payment of invoices (screensavers).</li> <li>Collaborate with internal audit in addressing some of the supply chain control weaknesses through regular audits/inspections.</li> <li>Appointment of Senior and Junior State Advocates in the regions to support the decentralisation of the LAD function; training to be provided.</li> <li>Escalate the need for the digitalisation of a contingent liability register.</li> </ul>
SR2.	Improved public confidence in the NPA and the Criminal Justice System.	<b>Delays in the investigation and prosecution of complex and high-profile corruption, commercial crime cases.</b>	<ul style="list-style-type: none"> <li>The NPA to lobby for a dedicated corruption court to fast-track cases/a dedicated presiding officer to oversee corruption matters.</li> <li>Review the process of Section 38 appointments to support investigation, prosecution of complex corruption matters, and asset recovery. Section 38 to partner with internal prosecutors to share skills and knowledge. Proposals include expeditious appointments due to the AFU's civil environment.</li> <li>Continue the collaborative work (prosecuting team, AFU advocates and investigators) with the Advisory Panel to provide advice, make suggestions and offer guidance regarding complex commercial crime or corruption cases.</li> <li>Embed the implementation of Corporate Alternative Dispute Resolution as a key anti-corruption initiative.</li> <li>SCCU plans to reinforce its methodology with greater emphasis on the incorporation of technology to enhance and improve performance.</li> <li>IDAC will leverage external support for the purpose of establishing the Digital Evidence Unit (DEU).</li> <li>Enhance International cooperation and mutual legal assistance coordination through strengthened legislative reform.</li> <li>Strengthen recovery through unexplained wealth orders facilitated by input in legislative reform.</li> </ul>

No.	Outcome	Risk Name	Risk Mitigation Plans
SR3.	Improved public confidence in the NPA and the Criminal Justice System.	<b>Sustainability of the organisation and loss of institutional knowledge.</b>	<ul style="list-style-type: none"> <li>• Implement and monitor the succession plan without creating expectations.</li> <li>• Management to explore leadership programmes and training for individual staff early in their careers.</li> <li>• Develop a clear strategy and implementation plan to address skills gaps identified by the Capability Review Assessment.</li> <li>• Enhance the roll-out of mentorship programmes by seasoned prosecutors.</li> <li>• Develop and implement a knowledge management strategy, policy, and implementation plan: <ul style="list-style-type: none"> <li>- Webinars/Masterclasses.</li> <li>- Continuous awareness of knowledge management portal (screensavers).</li> </ul> </li> </ul>
SR4.	Improved public confidence in the NPA and the Criminal Justice System.  Improved access to NPA services for all.	<b>Increase in civil litigation.</b>	<ul style="list-style-type: none"> <li>• Continue the roll-out of training in collaboration with lawyers' organisations within the BAR Councils.</li> <li>• Ongoing civil litigation training for Prosecutors, in collaboration with the Judiciary.</li> <li>• Continuous engagement with the State Attorney's office and the Solicitor General to ensure that the cases are effectively and timeously defended and improve relations.</li> <li>• Infuse civil litigation training as part of the Aspirant Prosecutors' programme.</li> </ul>
SR5.	Improved public confidence in the NPA and the Criminal Justice System.	<b>Safety and security of Prosecutors including information security risks.</b>	<ul style="list-style-type: none"> <li>• Timeous protection of assessed threatened employees.</li> <li>• Establishment of in-house protective security support.</li> <li>• Coordination of security for high-risk cases and special events.</li> <li>• Enforce the classification of sensitive information.</li> <li>• Managing compliance with the outsourced security services.</li> <li>• Conduct a study on the best international practices on the safety of court officials.</li> <li>• Encourage specialised units to involve Security Management Services during the planning phase of high-profile cases.</li> <li>• Engage Security Management Services to conduct pre-screening (sweeping) of meeting venues where sensitive and confidential information will be held.</li> <li>• Enhance visibility of the Security unit through awareness sessions and internal communication platforms.</li> <li>• Enforce guidelines on the classification of information.</li> <li>• SMS to develop a policy guide regulating meetings where sensitive information is discussed.</li> <li>• Security management to explore the practice of ongoing integrity testing/Ad-hoc integrity testing.</li> </ul>

## 13. PUBLIC ENTITIES LINKS TO OTHER PLANS

### 13.1. LINKS TO THE LONG-TERM INFRASTRUCTURE AND OTHER CAPITAL PLANS

The NPA, as a programme within the DoJ&CD, does not develop its own long-term infrastructure or capital plans. The NPA provides its requirements, which are incorporated into the DoJ&CD infrastructure and capital plans.

### 13.2. CONDITIONAL GRANTS

Not applicable.

### 13.3. PUBLIC ENTITIES

Not applicable.

### 13.4. PUBLIC-PRIVATE PARTNERSHIP

Not applicable.



**National Prosecuting Authority**  
South Africa



# **PART D** **TECHNICAL** **INDICATOR** **DESCRIPTIONS**

Indicator title	1. SUCCESSFUL PROSECUTION OF SERIOUS VIOLENT CRIME
<b>Definition</b>	Relates to percentage of cases finalised with a guilty verdict for: <ul style="list-style-type: none"> <li>• Contravening the provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, No 32 of 2007 (SORMA) in all court fora, (HC, DC, RC, and dedicated courts).</li> <li>• The percentage of murder cases finalised with a verdict in which a guilty verdict was obtained.</li> </ul>
<b>Source/collection of data</b>	ECMS for lower courts and Daily Court Returns (until ECMS High Court module is available).
<b>Method of calculation</b>	The total number of cases finalised with a guilty verdict (including Sec 57A of the Criminal Procedure Act, 51 of 1977 "CPA") divided by the total number of cases finalised with a verdict reflected as a percentage. Convictions are recorded at the date of sentencing in the case of a guilty verdict or on the date of the verdict of not guilty. One case may result in convictions of more than one count.
<b>Assumptions</b>	Proper screening of dockets. Properly investigated matters.
<b>Disaggregation of Beneficiaries</b>	N/A
<b>Spatial Transformation</b>	N/A
<b>Reporting cycle</b>	Mid-term and end-of-term.
<b>Desired performance</b>	80.4% conviction rate in murder prosecutions. 72.3% conviction rate in sexual offences.
<b>Indicator responsibility</b>	DNDPP: NPS

Indicator title	2. SUCCESSFUL PROSECUTION OF CORRUPTION AND RELATED MATTERS
<b>Definition</b>	The indicator relates to the areas where the NPA has successfully prosecuted or dealt with matters related to corruption and includes prosecutions and asset recovery.  The following are included: <ul style="list-style-type: none"> <li>• Relates to prosecutions finalised involving money laundering charges,</li> <li>• It also relates percentage of persons sentenced for contravening the PRECCA,</li> <li>• Freezing orders relates to value of assets frozen in freezing orders obtained in the reporting period. It measures the total value of the proceeds, instrumentalities or benefits of crime restrained or preserved from the control of criminals and provides an indication of the depth of the impact of the AFU, and</li> <li>• Recoveries are made when the benefit, proceeds or instrumentalities are recovered. Recoveries include payments to CARA or victims of crime as a result of the intervention of the AFU. Recoveries also include the return of movable assets, immovable assets, or immaterial goods (including but not limited to claims in terms of contractual obligations or rights and such claims resulting in savings) to the identified victims. The definition of property in POCA provides the basis to determine property capable of being recovered. The recoveries further include recoveries made through C-ADR or through the use of external entities specialising in the recovery of assets.</li> </ul>

<b>Source/collection of data</b>	<p>Money Laundering and Terrorism Financing cases finalised. ECMS for lower courts and daily court returns (HC, RC, DC, and specialised unit central data sheets).</p> <p>Corruption conviction rate. ECMS for lower courts and daily court returns (HC, RC, DC, and specialised unit central data sheets).</p> <p>Freezing orders. Case report form that is captured in a central data sheet.</p> <p>Asset recoveries. The proof of payment or proof of recovery, as the case may be, is uploaded to a central data repository. A case report form reflecting the recovery is also uploaded. The recovery is captured on the central data sheet for both victims of crime and CARA payments. The indicator is reported as a single combined total of the value of all recoveries. Letters of confirmation from victims of return of assets or the extent of savings where applicable.</p>
<b>Method of calculation</b>	<p><b>Money laundering and terror financing cases finalised:</b> The total number of cases finalised with a verdict of guilty in respect of charges involving money laundering and terror financing charges.</p> <p><b>Conviction rate in corruption:</b> The total number of cases finalised with a guilty verdict (PRECCA) divided by the total number of cases finalised with a verdict reflected as a percentage. Convictions are recorded at the date of sentencing in the case of a guilty verdict or on date of verdict of not guilty. One case may result in conviction of more than one count.</p> <p><b>Freezing orders:</b> The total estimated net market value of assets frozen by orders obtained in the reporting period. The value is estimated and counted at the time when the initial order is obtained. The value of savings to a victim, where applicable is included in the calculation of the value of freezing orders.</p> <p><b>Asset recovery:</b> The total amount paid, or the net market value of property transferred to the victims of crime or paid into CARA during the reporting period resulting from orders or agreements obtained. This refers to orders obtained as a result of litigation in terms of POCA, settlement agreements in terms of C-ADR and recoveries by expert entities. Payment to victims is measured only when the proof of payment or transfer is received. The recovery is reflected when the AFU receives notice of the recovery and not the actual date of the recovery. Where savings are achieved through the recovery of claims or rights, the value of the saving to the victim is regarded as the recovery.</p>
<b>Assumptions</b>	<p>Properly investigated matters, thoroughly screened dockets, cases prioritised for finalisation. Confirmation of payment may be received late from the victims and there may be unidentified deposits into CARA. Confirmation of transfer of property or other immaterial assets, including savings, may be received late from victims.</p>
<b>Disaggregation of Beneficiaries</b>	N/A
<b>Spatial Transformation</b>	N/A
<b>Reporting cycle</b>	Mid-term and end-of-term.
<b>Desired performance</b>	<p>Finalise 120 Money Laundering and Terrorism Financing cases, Maintain an 84% corruption conviction rate, Secure R3.5 billion in freezing orders and R800 million in recoveries.</p>
<b>Indicator responsibility</b>	DNDPP NPS and DNDPP AFU

Indicator title	3. PERCENTAGE CONVICTION FOR IDENTIFIED PRIORITY OFFENCES
<b>Definition</b>	The percentage of cases finalised with a guilty verdict in the Specialised Commercial Crime Court (SCCC), or cases identified by the case number starting with SCCC, as a percentage of these cases finalised with a verdict.  The percentage of serious organised crime cases finalised with a guilty verdict in the court as a percentage of these cases finalised with a verdict.
<b>Source/collection of data</b>	ECMS and ICMS recorded data for Lower courts and SCCU; High courts as soon as the High court module is available. High court daily court return can be verified against the DPP register and files for High courts. .  Organised Crime register held at DPP Office.
<b>Method of calculation</b>	The total number of cases finalised with a guilty verdict (including Sec 57A of the CPA) divided by the total number of cases finalised with a verdict reflected as a percentage. Convictions are recorded at the date of sentencing in the case of a guilty verdict or on date of verdict of not guilty. One case may result in conviction of more than one count.
<b>Assumptions</b>	Properly investigated matters and thoroughly screened dockets.
<b>Disaggregation of Beneficiaries</b>	N/A
<b>Spatial Transformation</b>	N/A
<b>Reporting cycle</b>	Mid-term and end-of-term.
<b>Desired performance</b>	90% conviction rate for serious commercial and organised crimes.
<b>Indicator responsibility</b>	DNDPP: NPS

Indicator title	4. INCREASED FOOTPRINT OF THUTHUZELA CARE CENTRES NATIONALLY
<b>Definition</b>	Relates to newly established and operational TCCs throughout the country to provide specialised victim-centric services to the victims of gender-based violence (GBV) and related offences.
<b>Source/collection of data</b>	List of established and operational TCCs Verification Form.
<b>Method of calculation</b>	Simple count of the total number of newly established and operational TCCs in the reporting period.
<b>Assumptions</b>	Sufficient financial support and buy-in from all relevant stakeholders.
<b>Disaggregation of Beneficiaries</b>	N/A
<b>Spatial Transformation</b>	N/A
<b>Reporting cycle</b>	Mid-term and end-of-term.
<b>Desired performance</b>	10 new TCCs.  74 (Operational TCCs nationally).
<b>Indicator responsibility</b>	DNDPP: NPS



National Prosecuting Authority  
South Africa

# PART E: DEFINITIONS



# DEFINITIONS

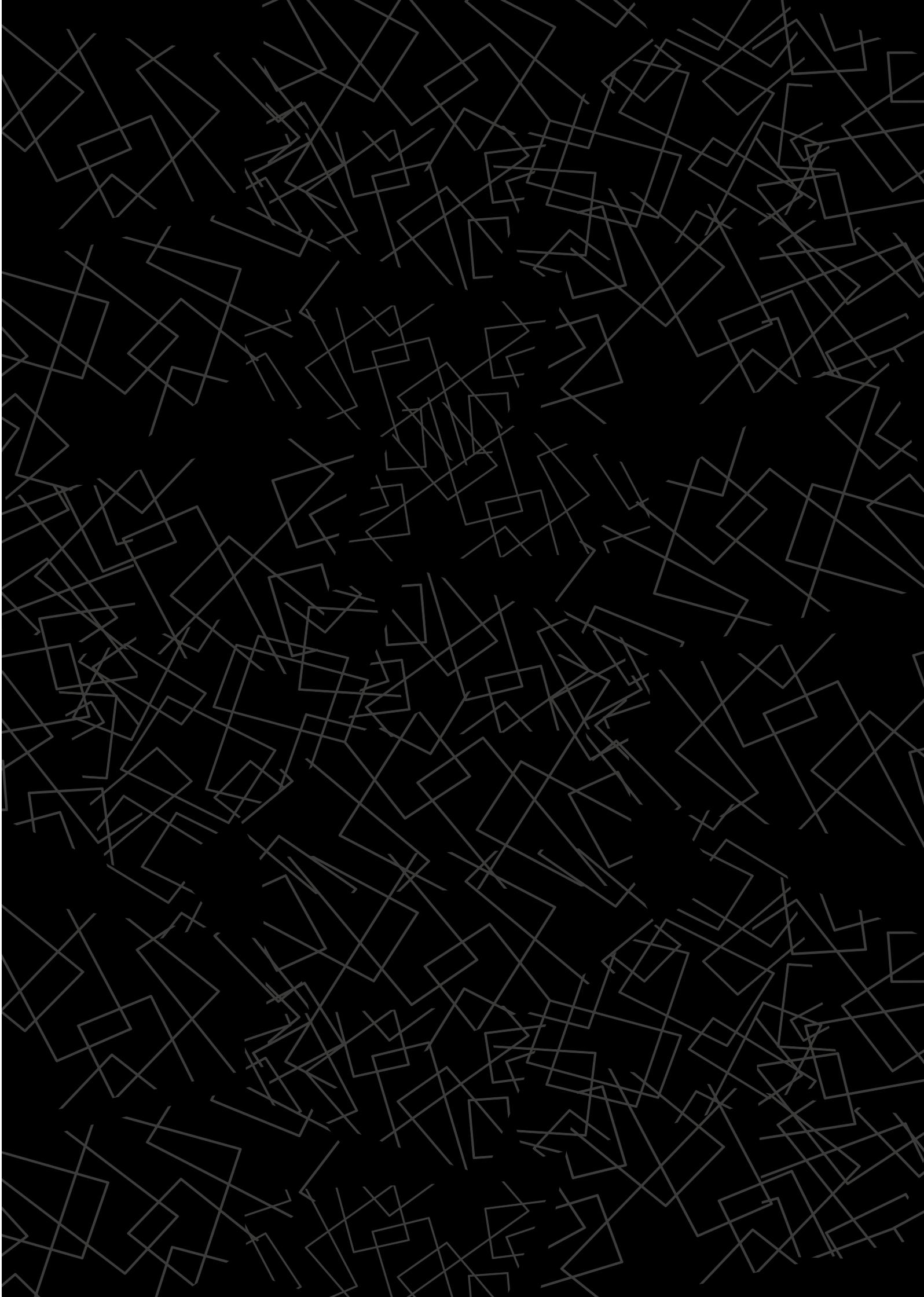
<b>Case</b>	In the NPA, a case includes criminal court cases and civil court cases. These concepts are defined as:
<b>Criminal court case</b>	Criminal court case is a matter that has been enrolled in a criminal court regardless of the forum including traffic cases and non-docket cases where accused appears in court. Any civil applications, enquiries and ex parte applications are excluded. A criminal court case may have multiple counts and/or accused and can involve multiple police dockets. A single docket may result in multiple court cases.
<b>Civil court case</b>	Is a civil matter that has been enrolled in a court of South Africa regardless of the forum. This includes ex parte applications or applications on notice. It includes motion and trial proceedings. Examples are restraint, preservation, forfeiture, and confiscation applications. It also includes interlocutory applications relating to living and legal expenses and curators in civil matters.
<b>Complex commercial crime cases</b>	Complex commercial crimes are those cases which require specialised prosecution due to their intricate nature or have a high impact on the community.
<b>Corporate Alternative Dispute Resolution</b>	Is a process introduced by the AFU to recover proceeds of corruption from Corporate Entities through alternative dispute resolution mechanisms. The process aims to disgorge the proceeds whilst still allowing the company to survive. The process requires full disclosure and cooperation as well as the implementation of remedial steps to avoid future recurrence. Natural persons do not receive immunity from criminal prosecution.
<b>Serious Commercial crimes</b>	Commercial crimes are crimes against property, involving the unlawful conversion of the ownership of property (belonging to one person) for one's own personal use and benefit. Commercial crimes may involve fraud [cheque fraud, credit card fraud, mortgage fraud, medical fraud, corporate fraud, securities fraud (including insider trading), bank fraud, payment (point of sale) fraud, health care fraud], theft, scams or confidence tricks, tax evasion, bribery, embezzlement, identity theft, money laundering, and forgery and counterfeiting, including the production of counterfeit money and consumer goods.
<b>Conviction</b>	A conviction is a finding of guilty and includes payment made in terms of section 57A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
<b>Corruption</b>	According to South Africa's Prevention and Combating of Corrupt Activities Act, 12 of 2004 (PRECCA), corruption occurs when any person directly or indirectly accepts or offers or agrees to offer or accept any form of gratification, i.e. not necessarily monetary, that will either benefit themselves or another person. In terms of this legislation, corruption is defined as acts that involve an improper/corrupt exchange between two or more parties.
<b>Dedicated court</b>	A dedicated court is a court in which only complex commercial crime cases are dealt with.
<b>District court</b>	A court created by the Minister of Justice for a district in terms of section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).
<b>Forfeiture orders</b>	Forfeiture orders mean confiscation and forfeiture orders in terms of section 18 and section 50 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998).
<b>Freezing orders</b>	Freezing orders means restraint and preservation orders in terms of section 26 and section 38 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998).
<b>High court</b>	High Court means the High Court of South Africa and its respective divisions referred to in section 6(1) of the Superior Courts Act, 2013 (Act No. 10 of 2013).

<b>Money Laundering</b>	Money laundering or money laundering activity means an activity which has or is likely to have the effect of concealing or disguising the nature, source, location, disposition or movement of the proceeds of unlawful activities or any interest which anyone has in such proceeds, and includes any activity which constitutes an offence in terms of section 64 of this Act or section 4, 5 or 6 of the Prevention Act.
<b>Organised Crime</b>	Crime is a person, group of persons or syndicate acting in an organised fashion or in a manner which could result in substantial financial gain for the person, group or persons or syndicate involved. These cases are dealt with by specialised prosecutors.
<b>Operational Thuthuzela Care Centre (TCC)</b>	<p>A TCC is regarded as operational when all of the following criteria are met:</p> <ul style="list-style-type: none"> <li>• A victim friendly designated space, with waiting area, counselling room, examination room, ablution facilities and statement-taking room exists. The TCC is located on the premises of the Department of Health (DOH), either in the hospital building or in a park home facility.</li> <li>• Two of the three posts (site coordinator, victim assistance officer and a case manager) for which the NPA is responsible are filled either on contract or permanent appointment.</li> <li>• All services are rendered including police, health, psychological and prosecutorial, whether in house or on call. This includes referral system for 24/7 care and management.</li> <li>• Protocols between the NPA, SAPS and DOH are in place.</li> <li>• Training for relevant stakeholders, including induction for SOCA-staff at the TCC-site, has been conducted.</li> <li>• Essential equipment and furniture as per SOCA TCC list have been provided.</li> </ul>
<b>Regional court</b>	A court created by the Minister for a number of districts in terms of section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).
<b>Sexual offences</b>	Any offences committed in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007).
<b>STEEPLE</b>	STEEPLE is a tool which is used to review the social, technological, economic, ethical, political, legal, and environmental factors in the external environment within which the NPA operates.
<b>Thuthuzela ("comfort" in Xhosa) care centres (TCC)</b>	TCCs are 24 hour one-stop service centres where victims have access to all services that include police, counselling, doctors, court preparation and a prosecutor for victims. These centres are aimed at turning victims into survivors and providing comprehensive therapy. These multi-disciplinary centres have been established to streamline the process of reporting, care-giving, investigation of cases and the subsequent prosecution of the case. The main objectives for these centres are to eliminate secondary victimisation, reduce case cycle time, and to increase convictions.
<b>Values of recoveries</b>	The total amount recovered, or total value of assets returned, by the AFU, after completion of the matter, i.e. paid into CARA or paid or returned directly to the victim in the case, usually in terms of a POCA order. It can be the result of an agreement obtained by the AFU, or an intervention by the AFU and includes all recoveries made in terms of C-ADR and other processes such as the use of external service providers.
<b>Verdict</b>	This is the judgment given by a court after the conclusion of the court proceedings. In criminal cases it can only follow an accused person has pleaded to the charges and is either a verdict of guilty or not guilty.









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