

Appointing the next National Director of Public Prosecutions:

Vital but in itself insufficient to guarantee turnaround

By Nicole Fritz



**POLICY
BRIEF**

Table of Contents

1. Introduction	01
2. The Process	02
3. The Context	03
4. The Missing Diagnostic: Foundations for a Credible NDPP Appointment	05
5. The Case for a Diagnostic	06
6. What a Diagnostic Must Address	06
7. Conclusion and immediate steps for a credible process	11
8. References	13

Introduction

This report sets out how South Africa should approach the appointment of the next National Director of Public Prosecutions (NDPP) in a manner that is credible, reformoriented and realistic about institutional constraints. While the National Prosecuting Authority's (NPA's) renewal cannot be secured by a single appointment, however unimpeachable the appointee's integrity and professional excellence, the choice of NDPP will decisively shape whether the NPA can fully recover its constitutional purpose. As Lawson Naidoo observes, this appointment "represents the first opportunity for a managed and orderly transition to the next NDPP. It is one that should not be spurned." (Naidoo,2025).

Against a backdrop of organisational fragility, contested leadership histories, and growing public scepticism, the central proposition of this report is twofold. First, a credible appointment process must be anchored in a substantive diagnostic of the NPA's structure, performance and integrity – synthesising the abundant evidence already available. Second, the selection panel's task is not only to identify a person of probity, but to evaluate each candidate's capacity to lead institutional recovery within the legal and practical limits that currently obtain. The sections that follow therefore (i) describe the present context; (ii) set out why a diagnostic is indispensable; (iii) distil lessons from past leadership failures and structural dysfunction; and (iv) propose concrete steps the panel and the Presidency can take now to strengthen the process and the office the successful candidate will inherit.

The Process

On 7 October 2025, President Cyril Ramaphosa announced the establishment of a panel to oversee the selection of South Africa's next NDPP, whose appointment is necessitated by the completion of Advocate Shamila Batohi's term in January 2026 (The Office of the Presidency, 2025).

The panel, chaired by Minister of Justice and Constitutional Development Mmamoloko Kubayi, includes:

- The Chairperson of the South African Human Rights Commission;
- The Chairperson of the Commission for Gender Equality;

- The Auditor-General of South Africa;
- The Chairperson of the Public Service Commission;
- A representative of the Black Lawyers Association; and
- A representative of the National Association of Democratic Lawyers.

The President tasked this panel to issue a public call for nominations, conduct shortlisting and interviews, and to submit the names of three recommended candidates with a detailed report on their suitability for appointment. This panel must complete its work within three months of its appointment, in other words by 7 January 2026.

The panel published a call for nominations and applications on 18 October 2025, inviting qualified persons and organisations to submit names for consideration, and setting 7 November 2025 as the deadline for submissions (Department of Justice and Constitutional Development, 2025). The advertisement reiterates the formal legal criteria set out in the NPA Act: South African citizenship, the necessary legal qualifications to practise in all courts, at least ten years of executive management experience, and the qualities of integrity, conscientiousness, and fitness for office. It restates the NDPP's statutory functions – issuing prosecutorial policy directives, reviewing decisions to prosecute or not, conducting investigations, and liaising across the prosecutorial system – and notes that the position carries a ten-year, non-renewable term.

The panel announced by the President is clearly intended to convey a continuity with the process designed to appoint Batohi in 2018. It would seem to sustain the commitment to openness, public participation, and independent oversight introduced then. But while it is an obvious departure from the opaque nature of selection that characterised Zuma era appointments – all three of the NDPP permanent appointments made under Zuma were marred in controversy¹ – and while Ramaphosa's panel clearly seeks to draw legitimacy from the representatives of constitutional and oversight bodies appointed, the continuity that is offered is a very troubling continuity of omission.

The panel's composition and its terms provide no indication that the deeper structural lessons of the past seven years have been absorbed or are of any concern at all. The criteria restate statutory minima but remain silent on the NPA's current state. The institution that the next NDPP will inherit is not only a depleted, factional, and demoralised institution, but also one that is potentially deeply and deliberately compromised. There is no signal that candidates will be assessed on their capacity for institutional recovery, organisational reform, or the management of entrenched bad faith actors.

¹Menzi Simelane's appointment (2009-2012) was set aside by the courts on the basis that it was irrational and unlawful. Mxolisi Nxasana (2013-2015) was coerced into departure – the termination of his contract under a settlement and the payment of R17 million rand in terms of that settlement were subsequently held to be invalid and set aside by the Constitutional Court. Shaun Abrahams' appointment (2015-2018) was invalidated by the Constitutional Court in 2018. Nomgcobo Jiba's stint as acting NDPP (2012-2013) during the Zuma presidency was also highly controversial and she was ultimately held by the Mokgoro Commission of Inquiry to not be fit and proper to hold office in the NPA.

Moreover, the composition of the panel, though strong on apparent constitutional credibility, lacks direct prosecutorial expertise or experience in leading institutional turnarounds. This is likely to severely limit its ability to test candidates on operational questions central to the NPA’s rehabilitation: How will the new appointee restore morale, rebuild prosecutorial capacity, or confront internal resistance to change?

The three-month timeline imposed on the panel compounds these concerns. A process of this magnitude – requiring the identification of not merely a figure of integrity but an architect of institutional reform – risks being compressed into an administrative exercise.

Without a prior institutional diagnostic or clear reform-oriented criteria, the panel’s work risks reproducing the very proceduralism this paper cautions against: an exercise that prizes transparency and ostensible personal integrity (obvious but now patently insufficient attributes) over the far more exceptional combination of qualities the NPA critically requires if it is to be fit for purpose. The next NDPP will need not only unimpeachable ethics but a strategic prosecutorial vision, an ability to lead organisational turnaround, and the political and administrative dexterity to steer a captured and demoralised institution back to constitutional purpose.

Crucially, any credible candidate should recognise – and be assessed on their recognition – that genuine recovery cannot hinge on a solitary appointment. The NPA’s rehabilitation will require a collective renewal of leadership, filling its many vacant senior posts with a cohort of trusted prosecutors aligned to a shared reform mandate. The capacity to assemble, empower, and defend such a leadership team must therefore form part of the selection test for the NDPP role itself.

If the 2025 process is to result in a fit-for-purpose NPA, it can’t merely be a replay of the 2018 appointment process. It has to be embedded in a deeper, diagnostic understanding of what the NPA needs now.

The Context

In announcing the panel to appoint the next NDPP, the President described the position as a “vital position in our democracy” (The Office of the Presidency, 2025). While accurate, this is a significant understatement of the gravity of the role and the urgency of the current moment. The process to

appoint a new NDPP is unfolding at a time when the criminal justice system's upper echelons are in utter disarray, if not collapse – not only within the South African Police Service (SAPS), but within the NPA itself. The allegations by Lieutenant-General Nhlanhla Mkhwanazi, Provincial Commissioner of Police for KwaZulu-Natal, which include claims of corruption, collusion with criminal syndicates and unlawful interference in policing operation, have precipitated the establishment of the Madlanga Commission of Inquiry (Government Gazette, 2025a)² and a parallel ad hoc parliamentary committee (Government of the Republic of South Africa, 2025). Yet even as these proceedings promise to expose grave institutional rot, they are also likely to reveal the profound instability at the heart of the policing environment. It is not implausible that Mkhwanazi's allegations, even if accurate, are compelled by factional power struggles, with competing groups within SAPS, intelligence and the wider criminal justice structures seeking to discredit one another, each tainted by their own networks of influence.

Crucially, the NPA is not insulated from this dysfunction. Mkhwanazi's disclosures of 6 July 2025 made mention of compromised prosecutors bought, intimidated, or co-opted by criminal networks. The NPA, severely crippled by the political capture of the Zuma years, has struggled to rid itself of those loyalties. Although President Ramaphosa has recently acted on the recommendation to suspend Andrew Chauke (South Gauteng NPA Director) and has appointed a commission of enquiry into his fitness for office (Government Gazette, 2025b), many individuals linked to the era of Nomgcobo Jiba and Lawrence Mrwebi remain in influential positions. The resulting culture of mistrust, selective accountability, and bureaucratic caution has left the NPA both fragmented and vulnerable to manipulation.

In short, the entire criminal justice chain is now implicated in a crisis of legitimacy. The police cannot be relied upon for credible investigation; the prosecutorial service is not yet the anchor of independence it was constitutionally designed to be; and coordination between the two has eroded under the weight of mutual suspicion.

A functioning criminal justice system is not a nice-to-have, it is the precondition for the constitutional stability, public safety and economic confidence that underwrite the social contract. When those institutions are themselves infected by criminal patronage and political factionalism, the rule of law loses not only operational capacity but any moral force or public trust. A recent Afrobarometer survey indicates that South African public sentiment in favour of military rule has heightened intensely over the past three years – jumping from 28% in 2022 to 49% in 2025 (Afrobarometer, 2025).

²On 21 July 2025, President Ramaphosa announced the establishment of the Judicial Commission of Inquiry into criminality, political interference and corruption in the criminal justice system arising from specific allegations made public on 6 July 2025 by Lieutenant General Nhlanhla Mkhwanazi. The Commission is chaired by Justice Mbuyiseli Madlanga (the Madlanga Commission) https://www.gov.za/sites/default/files/gcis_document/202507/53048rg11855proc269.pdf

Against this backdrop, the appointment of the new NDPP assumes significance far beyond ordinary succession. The next NDPP will inherit not only a depleted and demoralised prosecutorial authority but an entire justice system in need of reconstitution. Their mandate cannot be limited to managerial competence or formal independence. It must encompass institutional reconstruction, rebuilding internal integrity within the NPA, re-establishing cooperative functionality with a deeply compromised police service, and restoring the public credibility of the state's capacity to investigate and prosecute without fear or favour.

The Missing Diagnostic: Foundations for a Credible NDPP Appointment

The process to appoint a new NDPP that is currently underway is proceeding without any systematic assessment (or diagnostic) of the institution that the incoming director will be expected to lead. The President's appointment of a selection panel on 7 October 2025, with instructions to submit recommendations within three months, underscores the urgency of filling the vacancy. Yet this compressed timeframe virtually precludes any careful, evidence-based appraisal of the NPA's condition.

In the absence of a clear, detailed diagnostic, it is arguable that no appointment of a NDPP can be credible. This is especially so when one considers that the requirement of "fit and proper" for the NDPP was found to be fact-specific in the report of the Enquiry into the fitness of Advocate VP Pikoli to hold the office of NDPP (the Ginwala Commission). "The notion of fit and proper has been judicially defined but remains a notion that is fact-specific. Whether one is fit and proper to practice as a lawyer or any other discipline will depend on the context in which that notion is used." (Government of the Republic of South Africa, 2008, para.69).

The NPA has always been a cornerstone of South Africa's constitutional democracy – entrusted with the power to decide who is prosecuted and on what basis. But over the past fifteen years, its failures have been central to South Africa's governance crisis: its capture and corrosion during the Zuma years, its hesitant, uneven recovery under Shamila Batohi, and its continuing struggle with integrity, morale and operational capacity. A new NDPP cannot succeed without a clear-eyed understanding of what has gone wrong, and what kind of leadership and reform are now required.

The Case for a Diagnostic

Calls for a judicial commission of inquiry into the NPA, such as that made by the Centre for Development and Enterprise (CDE) in June 2025, reflect a legitimate concern that without a comprehensive understanding of the NPA's dysfunctions, reform will be rudderless. Yet given the compressed timeline, a full judicial inquiry is not feasible—and even if it were, it is not clear that this would be a valuable use of state funds. South Africa already possesses an extensive evidentiary record on the NPA's institutional decay. The urgent task is not revelation but synthesis: assembling existing findings into a coherent diagnostic framework to guide the selection of the next NDPP.

Such a diagnostic is essential for at least three reasons:

- To identify structural and governance deficiencies that continue to inhibit prosecutorial independence and effectiveness.
- To expose lingering cultural and ethical corrosion that undermines public confidence and prosecutorial morale.
- To define the leadership profile including the skills, integrity, and independence needed to restore the NPA's credibility.

What a Diagnostic Must Address

The Mokgoro Enquiry Report (The Office of the Presidency, 2019) provides an authoritative starting point. Although formally confined to determining the fitness for office of Nomgcobo Jiba and Lawrence Mrwebi, its findings expose systemic weaknesses far beyond individual misconduct.

Enabling Institutional Independence and Protecting Against Political Interference

The Enquiry found that the NPA's constitutionally guaranteed independence had been severely impaired by the conduct of Jiba and Mrwebi, and by prosecutors acting on their instruction. But the report of the Enquiry also pointed to a systemic risk to the independence of the NPA that went beyond any individual miscreant prosecutors:

The NPA Act provides that it is a crime to interfere with the workings of the NPA. Serious measures must be taken against politicians and members of the executive and other private

persons / entities who seek to influence unduly the NPA in the performance of its functions.
(The Office of the Presidency, 2019, para. 1154)

This vulnerability, rooted in the NPA's structural relationship with the Executive, remains a grave institutional risk. A credible diagnostic must therefore assess whether governance reforms since 2019 have adequately insulated the NPA from political interference.

In particular, scrutiny must be given to the progress made, or lack thereof, in respect of the NPA's call, supported by independent civil society organisations such as the Dullah Omar Institute's Africa Criminal Justice Reform project (2023), that the NPA have its own accounting officer status and separate budget vote (currently the Department of Justice and Constitutional Development exercises these functions) and that it have the ability to set its own salary dispensation to acquire and retain necessary specialist skills (NPA, 2025). These reforms, which would guard against political interference, would require legislative changes (particularly to the NPA Act) and regulatory adjustments.

The diagnostic must similarly examine the extent to which executive cooperation is being withheld in ways that frustrate the NPA's ability to perform its functions. The relationship between the Department of Justice and Constitutional Development (DJCD) and the NPA relating to the Zondo Commission's massive digital evidence repository bears scrutiny. Although the database is formally under the custodianship of the DJCD, the NPA and its Investigating Directorate have repeatedly raised concerns that transfer and access mechanisms have been obstructed. Opposition political parties and civil society point out that the NPA has been forced to subpoena information rather than have direct, unhindered access to the data, resulting in a situation described by the Democratic Alliance as "frustrating the prosecution of key political role-players in state capture". (Democratic Alliance, 2024).

Leadership Failures and Ethical Collapse

The Mokgoro Enquiry concluded that Jiba had dishonoured her obligation to act impartially and compromised the independence of the NPA, causing serious damage to public confidence in the NPA. Mrwebi's conduct, similarly, severely damaged the institution's reputation and violated the duty of a prosecutor to act in a balanced and honest manner (The Office of the Presidency, 2019, paras. 1127 – 1140). These findings spoke to a broader ethical collapse and of a culture of impunity and

political factionalism that reigned within the NPA's upper ranks.

But if the Mokgoro Enquiry exposed the extent to which the NPA's senior leadership had become entangled in politics and insulated from consequence, more recent events show how little that underlying pathology appears to have been resolved. South Gauteng Director of Public Prosecutions (DPP) Andrew Chauke's conduct exemplifies the persistence of weak accountability and the glacial pace at which any disciplinary action is instituted against senior prosecutors.

The disclosures by the Mokgoro Enquiry and other earlier court judgments relating to Chauke, most specifically his role in the institution of improper prosecution of Johan Booysen, should have been sufficient for the NDPP to urge the President to temporarily suspend and establish an enquiry to determine his fitness to hold office. Yet it was only in 2023 that the NDPP did so, on the basis of Chauke's questionable decisions and collapsing performance in the Specialised Commercial Crime Unit (Redpath, 2024). During Chauke's tenure, prosecutions in that unit fell from 183 in 2019/20 (NPA, 2020) to 60 in 2022/23 (NPA, 2023), with convictions dropping from 167 to 46, and data for 2023/24 entirely omitted from that year's NPA annual report (NPA, 2024).

Nearly two years later, in July 2025, President Ramaphosa finally acted, placing Chauke on suspension and establishing the enquiry into his fitness to hold office in September. In the interim, in November 2024, Chauke had withdrawn the prosecution of former minister Zizi Kodwa and former EOH executive Jehan Mackay, in a case emanating directly from the Zondo Commission's findings that Kodwa had received substantial unauthorised payments from Mackay. Chauke's 'reasons' for withdrawing the matter were, as Jean Redpath of the Dullah Omar Institute observes, "vague in the extreme", and Chauke declined to speak to the media when the decision to withdraw the charges was announced. At the request of the Hawks, the NDPP agreed to review Chauke's decision, a move that underscores the tension between the NDPP's nominal oversight powers and the entrenched autonomy of the DPPs (Redpath, 2024).

Redpath (2024) notes that DPPs wield considerable authority within their jurisdictions and are, in practice, more consequential than the NDPP in day-to-day prosecutorial decisions. The NDPP cannot remove a DPP, but may only recommend such action to the President, who may act only on limited statutory grounds — misconduct, incapacity, ill-health, or loss of fitness to hold office. This structure has left disciplinary processes sluggish and politically fraught.

Former KZN DPP Moipone Noko, also implicated in the Mokgoro Enquiry, resigned in February 2021

when she was informed that she would face an inquiry. An internal NPA panel had reportedly concluded in 2019 that she had manipulated charges while KZN DPP, including those against Booysen. But with no prospect of prompt removal, she was reassigned as DPP to North West (Redpath, 2024).

Redpath (2024) goes on to report that, even below the level of DPP, disciplinary processes are protracted. Chauke's wife, Pumeza Futshane (who held the position of Chief Prosecutor at the Johannesburg's Magistrate's Court), for instance, faced allegations of misconduct dating back to 2015 but was only suspended in 2021 and finally dismissed in 2022. And acting DPP in Mpumalanga, Matric Luphondo, was dismissed pursuant to a disciplinary hearing for gross misconduct involving bribery and corruption. Although on fully paid suspension since April 2021, he was eventually dismissed only in August 2024, with his criminal trial still continuing. Had he actually been appointed as DPP, Redpath notes, his dismissal would have required the President's decision to suspend him and appoint an enquiry.

These developments reveal deep structural flaws in the NPA Act. The Act does not provide for public consultation in the appointment of DPPs, they are appointed solely by the President after consulting the Minister of Justice and Constitutional Development and the , and they serve until the age of 65 with no fixed term. What was intended as a measure of security of tenure has ossified into a system that shields problematic incumbents and prevents institutional renewal. Redpath (2024) concludes that legislative reform must both "require a public consultation process in respect of all senior appointments" and "reduce the term of all senior appointments to ten years, or some other fixed term," arguing that the current framework "clearly does not ensure that the NPA acts "without fear, favour or prejudice."

Legislative deficiencies will not be remedied before the appointment of the next NDPP. Yet they are fundamental to the institutional context which the next NDPP will inherit. Far from wishing them away, the selection panel must not only be fully apprised of these structural impediments, but must squarely reckon with the entrenched autonomy of DPPs, the President's decisive role in appointments and removals, and the inertia that characterises disciplinary processes.

Applicants and nominees should be asked directly how they would navigate these constraints: how they would enforce accountability where their formal powers are limited; how they would inspire a culture of integrity across the institution's fragmented hierarchy; and how they would press, within

the constitutional framework, for reforms essential to restoring the independence and effectiveness of the NPA.

Finally, the public should be informed about the true state of the NPA and the limitations which any incoming NDPP will have to confront. Expectations of renewal must be tempered by an appreciation of the legal and structural design flaws that continue to inhibit the prosecuting authority's performance. Transparency about these constraints is essential, both to ensure realistic assessment of the new NDPP's tenure and to sustain the civic pressure necessary to secure the legislative reforms, without which genuine institutional recovery will remain elusive.

Structural Dysfunction

The Mokgoro Enquiry's Report also pointed to the NPA's deep operational dysfunction, specifically the blurred lines of accountability among DPPs, the over-centralisation of decision-making, and the misuse of delegated authority. While noting that DPPs "may institute or discontinue criminal proceedings (...) subject to the control and directions" of national leadership (The Office of the Presidency, 2019, para. 71), the Enquiry's portrait of the NPA was one in which these powers were frequently exercised unlawfully or inconsistently, producing a confused and often politicised command structure. Such ambiguity created scope for manipulation of prosecutorial discretion and for the institutional drift that continues to undermine coherent, independent decision-making.

That dysfunction has arguably endured. It is visible in the succession of high-profile corruption and organised-crime cases that have faltered or been withdrawn in recent years. These failures cannot be explained merely by weak evidence or investigative delay, they point to systemic fragility within the NPA's architecture which includes uncertain lines of authority between the NDPP and regional DPPs, uneven coordination between prosecutorial divisions, and an absence of centralised strategic oversight.

Fortunately, an opportunity to resuscitate the defeated first state-capture case brought to court — the Nulane matter — has been provided. In June this year, the Supreme Court of Appeal ruled that the accused could be "retried for the same offences in respect of which they had been acquitted."³ That outcome restored some confidence in 3S v Thabethe and Others [2025] 3 All SA 333 (SCA), para. 110. the NPA's persistence. Yet the acquittal and discharge of Timothy Omotoso, the wellknown televangelist, on charges of rape, sexual trafficking and racketeering in April 2025 sharply

³S v Thabethe and Others [2025] 3 All SA 333 (SCA), para. 110.

contradicted perceptions of real, if slow, turnaround. In that case, the trial court excoriated the lead prosecutor and several colleagues for serial errors, unethical and irregular conduct, and a cross-examination described as “desultory in the extreme.”⁴ Moreover, issues pointing to problems with the prosecution were apparently brought to the attention of the Acting DPP for Makhanda and the NDPP herself prior to the hearing. Despite the court’s findings, there is no indication that the prosecutor faced disciplinary sanction; indeed, he was later appointed to lead the NPA’s R170-million Fort Hare corruption case (Maughan, 2025).

Meanwhile, the NPA continues to battle serious procedural crises at a systemic level. The ongoing litigation before the Constitutional Court regarding South Africa’s extradition regime — prompted by the Schultz ruling⁵ - that only the Minister of Justice and Constitutional Development, not the NPA, may request extraditions, has exposed weaknesses in the institution’s legal oversight and risk management. The case of Moroadi Cholota, former personal assistant to Ace Magashule and a central witness in the Free State corruption matter, has already demonstrated the consequences of this weakness. Her successful challenge to her own prosecution, grounded in the unlawfulness of her extradition from the United States, has imperilled the State’s wider case (Maughan, 2025). It is difficult to understand why the NPA did not appear to anticipate or address the far-reaching implications of the Schultz judgment when it was being argued. What followed was a belated attempt to appeal to the Constitutional Court, later withdrawn on the instruction of the NDPP, and then reinstated (under pressure) as an urgent bid to preserve the legitimacy of thousands of extraditions, both past and pending.

Taken together, these episodes point not merely to lapses in prosecutorial performance but to the persistence of structural dysfunction. They raise questions about whether clear lines of reporting and authority exist, whether there is effective monitoring of prominent cases that will inevitably shape public confidence in the NPA, and whether the institution has developed the agility to resource and support prosecutorial teams confronted with legally and politically complex litigation. In the absence of such structural coherence, the prosecuting authority’s constitutional promise, to act “without fear, favour or prejudice” (Government of the Republic of South Africa, 1996, S.179), is not assured.

Conclusion and immediate steps for a credible process

This report has argued that appointing an NDPP without a clear understanding of the NPA’s institutional condition and without parallel reform, risks repeating a cycle of substitution without

⁴S v Omotoso [2025] ZAECQBHC 8.

⁵Schultz v Minister of Justice and Correctional Services (76/2023) [2024] ZASCA 77 (23 May 2024).

renewal. Legislative change will not materialise before the appointment. All the more reason, then, for the selection process to confront the constraints openly, test candidates against them, and equip the incoming NDPP to act within them from day one.

Accordingly, the Presidency and the DJCD should:

- 1. Commission a rapid diagnostic:** Engage an independent body with demonstrated expertise, such as the Dullah Omar Institute, to synthesise existing evidence (Mokgoro, Zondo, court rulings, NPA annual reports) into a concise institutional health report to inform interviews and the President's decision.
- 2. Leverage the internal handover:** The outgoing NDPP has indicated that a comprehensive handover report is being compiled. A suitably redacted version should be made available to all shortlisted candidates and to the panel, with interview questions explicitly tied to its contents and apparent risks.
- 3. Disclose and interrogate priorities:** Provide candidates with the national caseprioritisation guidelines (such as they are, the NPA is currently developing these) and test their approach to revising, implementing and resourcing those priorities, especially where inter-divisional coordination has faltered.
- 4. Structure interviews to elicit candour and depth:** In line with the CDE's suggestion, conduct at least part of each interview in private to allow probing operational and integrity questions that will not be asked under studio lights; publish a robust reasons report explaining the panel's recommendations.
- 5. Close the expertise gap:** To offset the panel's limited prosecutorial experience, convene a focused, largely public interview with the current NDPP to identify the attributes, experience and leadership skills most critical now; invite written input from former DPPs/Deputy NDPPs with relevant experience.
- 6. Address integrity head-on:** Invite the current NDPP to publicly clarify her prior statements on political interference and sabotage, and to respond to allegations implicating the prosecutorial leadership (including those raised by Lt-Gen Mkhwanazi in relation to the Investigating Directorate Against Corruption). This will help calibrate public expectations and provide a factual baseline for candidates' plans.
- 7. Set expectations with the public:** Communicate, in plain terms, both the limits within which the new NDPP will operate and the milestones by which their tenure should be judged so that success is measured against deliberately planned and implemented institutional reform, and hard metrics like the number of prosecutions and prosecutorial outcomes.

Handled this way, the 2025/26 process can marry transparency with substance. The next NDPP cannot fix the NPA alone, but this appointment process may yet be arranged so that it is a lever for institutional recovery and not just another turn of the wheel.

References:

Afrobarometer (2025) *Minorities of South Africans support democracy, oppose military rule*. Available at: <https://www.afrobarometer.org/articles/minorities-of-south-africanssupport-democracy-oppose-military-rule/> (Accessed: 3 December 2025).

Centre for Development and Enterprise (2025), *Rebuilding the NPA: A Call for an Urgent Inquiry*. Available at: <https://cde.org.za/media-release-fixing-the-npa-reformndpp-appointment-process-and-launch-urgent-inquiry-by-retired-judge/> (Accessed: 3 December 2025).

Department of Justice and Constitutional Development, Republic of South Africa (2025) *Call for interested persons and organisations to submit nominations and applications for the position of National Director of Public Prosecutions Republic of South Africa*. Available at: https://www.justice.gov.za/vacancies/20251018_HR_Advert_NDPP.pdf (Accessed: 3 December 2025).

Democratic Alliance (2024) *Another reason we need an independent Anti-Corruption Commission*. Statement by the Democratic Alliance. Available at: <https://www.da.org.za/2024/08/another-reason-we-need-an-independent-anticorruption-commission> (Accessed: 3 December 2025).

Dullah Omar Institute (2023) *Submission to the Portfolio Committee on Justice and Correctional Services: On the National prosecuting Authority Amendment Bill*. Dullah Omar Institute: Cape Town. Available at: <https://dullahomarinstitute.org.za/acjr/acjrpublications/npa-submission-oct-2023-acjr.pdf> (Accessed: 3 December 2025).

Government Gazette (2025a) *Judicial commission of inquiry into criminality, political interference and corruption in the criminal justice system arising from the specific allegations made public by Lieutenant General Nhlanhla Mkhwanazi* on 6 July 2025. Proclamation Notice 269 of 2025.

Government Printer: Pretoria. Available at:

https://www.gov.za/sites/default/files/gcis_document/202507/53048rg11855proc269.pdf

Government Gazette (2025b) *Government Gazette Notice 6686*. Government Printer: Pretoria. Available at:

https://www.gov.za/sites/default/files/gcis_document/202509/53444rg11889gon66860.pdf
(Accessed: 3 December 2025).

Government of the Republic of South Africa (1996) *Constitution of the Republic of South Africa*.

Government Printer: Pretoria. S179. Available at:

<https://www.gov.za/documents/constitution/constitution-republic-south-africa-1996chapter-8-court-s-and-administration#179>

Government of the Republic of South Africa (2008) *Report of the enquiry into the fitness of Advocate V.P. Pikoli to hold the office of National Director of Public Prosecutions*. Paragraph 69. Available at:

https://www.justice.gov.za/commissions/2008_ginwala.pdf (Accessed: 3 December 2025).

Government of the Republic of South Africa (2025) *Terms of reference in respect of the ad hoc committee enquiry established to investigate wide-ranging allegations made by KwaZulu Natal Provincial Commissioner, Lieutenant General Nhlanhla Mkhwanazi in a media briefing on 6 July 2025*.

Available at:

https://www.parliament.gov.za/storage/app/media/Pages/2025/12-082025_Ad_Hoc_Committee_on_Gen_Mkhwanazi_Allegations/Documents/Terms-ofReference/Final_TOR_Ad_Hoc_Committee_Mkhwanazi.pdf (Accessed: 3 December 2025).

Maughan, K. (2025) 'Set up to fail or maliciously incompetent? What NPA losses tell us', *News 24*, 20 June 2025. Available at:

<https://www.news24.com/opinions/fridaybriefing/karyn-maughan-set-up-to-fail-or-maliciously-incompetent-what-npa-losses-tell-us-20250619-0931> (Accessed: 3 December 2025).

Naidoo, L. (2025) 'Rebuilding Justice: Nulane judgment offers redemption for the NPA', *News24*, 20 June 2025. Available at:

<https://www.news24.com/opinions/fridaybriefing/lawson-naidoo-rebuilding-justicenulane-judgment-offers-redemption-for-the-npa-20250619-0570> (Accessed: 3 December 2025).

National Prosecuting Authority of South Africa (2020) *Annual Report 2019/20*. Available at: <https://www.npa.gov.za/sites/default/files/uploads/NPA%20Annual%20Report%20202223.pdf> (Accessed: 3 December 2025).

National Prosecuting Authority of South Africa (2023) *Annual Report 2022/23*. Available at: <https://www.npa.gov.za/sites/default/files/uploads/NPA%20Annual%20Report%2020192020.pdf> (Accessed: 3 December 2025).

National Prosecuting Authority of South Africa (2024) *Annual Report 2023/24*. Available at: https://www.npa.gov.za/sites/default/files/uploads/NPA%202024%20Annual%20Report_web_2.pdf (Accessed: 3 December 2025).

National Prosecuting Authority of South Africa (2025) *Annual Report 2024/25*. Available at: https://www.npa.gov.za/sites/default/files/uploads/NPA%202025%20Annual%20Report_2025_v14b_0.pdf (Accessed: 3 December 2025).

Redpath, J. (2024) "New legislation needed to invigorate the National Prosecuting Authority", *Daily Maverick*, 12 November 2024. Available at <https://www.dailymaverick.co.za/article/2024-11-12-new-legislation-needed-toinvigorate-the-national-prosecuting-authority/> (Accessed: 3 December 2025).

The Office of the Presidency, Republic of South Africa (2019) Section 12(6) *Enquiry Report into the Fitness of Adv Nomgcobo Jiba and Adv Lawrence Mrwebi to Hold Office*. Available at: <https://www.thepresidency.gov.za/sites/default/files/202205/Section%2012%286%29%20Enquiry%20Report%20-%20unabridged%20version.pdf> (Accessed: 3 December 2025).

The Office of the Presidency, Republic of South Africa (2025) *President Ramaphosa names panel for selection of National Director of Public Prosecutions*. Available at: <https://www.thepresidency.gov.za/president-ramaphosa-names-panel-selection-nationaldirector-public-prosecutions> (Accessed: 3 December 2025).