

ADHOC COMMITTEE ENQUIRY ESTABLISHED TO INVESTIGATE WIDE-RANGING ALLEGATIONS ON SECURITY MATTERS MADE BY KWAZULU-NATAL PROVINCIAL COMMISSIONER, LIEUTENANT GENERAL NHLANHLA MKHWANAZI IN A MEDIA BRIEFING ON 6 JULY 2025

AFFIDAVIT

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I, the undersigned,

SHAMILA BATOHİ

do hereby make oath and say that:

1. I hold the position of National Director of Public Prosecutions (“NDPP”) having been appointed by President Cyril M Ramaphosa as contemplated under s 179 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”) and ss 5 and 10 of the National Prosecuting Authority Act 32 of 1998 (“the NPA Act”), and I took office on **1 February 2019**.
2. I am duly authorised to depose to this affidavit on behalf of the National Prosecuting Authority (NPA).
3. The facts I depose to herein are true and correct, and unless the context states otherwise, fall within my personal knowledge.

A. **INTRODUCTION**

4. I have been requested by the Evidence Leaders of the *Ad Hoc* Committee to depose to this written statement relating, in particular, to the following aspects of the Committee’s Terms of Reference:



- the alleged existence of an organised crime syndicate controlled by drug cartels, as well as business-people and its infiltration of key criminal justice system role-players involving politicians, law enforcement from the South African Police Service (SAPS) and the Metro Police Division, Correctional Services, the NPA and the judiciary;
 - prosecutorial conduct and the relationship between the Investigating Directorate Against Corruption (“IDAC”) and the Political Killings Task Team (PKTT), including whether IDAC or any of its officials unlawfully interfered in police investigations or exceeded its mandate;
 - the impact on public trust and safety: examining the broader impact of these issues on public trust in the SAPS, Correctional Services, the NPA, the Criminal Justice System, the judiciary and national security; and last;
 - scrutinise inter-agency co-ordination amongst SAPS, Crime Intelligence, IDAC/NPA, Correctional Services, and Metro Police and the legal basis for directives affecting the PKTT.
5. The purpose of this witness statement is to provide information relevant to those aspects of the Committee's Terms of Reference indicated above.
6. To address these issues, the affidavit is structured as follows:

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- 6.1 Mandate, structure, and functions of NPA;
- 6.2 NDPP's oversight over DPPs and ID (Head of IDAC) (control and direction powers of the NDPP);
- 6.3 The criminal justice value chain and the role of Prosecution-Guided Investigations (PGI);
- 6.4 Allegations of alleged infiltration in the criminal justice system and NPA; and
- 6.5 Conclusion and high-level recommendations.

7. It is to the first of these issues that I now turn.

B. MANDATE, STRUCTURE AND FUNCTIONS OF THE NATIONAL PROSECUTING AUTHORITY

8. In terms of s. 179(2) of the Constitution of the Republic of South Africa, 1996 ("Constitution"), and s. 20(1) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) ("NPA Act"; "the Act"), the NPA, as the prosecuting authority of the Republic of South Africa, is mandated to institute and conduct criminal proceedings or criminal prosecutions and to carry out any necessary functions incidental to instituting and conducting such criminal proceedings, such as in respect of asset forfeiture and recovery, and the investigation by the IDAC of specified offences referred to in s. 7(1A) of the NPA Act.



9. Under s. 20(1) of the NPA Act, the NPA also has the power to withdraw criminal charges and to stop or discontinue criminal proceedings.
10. These constitutional and legislative powers of the NPA are vested in all members of the NPA, which are contemplated in the NPA Act as follows:
 - 10.1 The NDPP (s. 20(1) and s. 22(2) and (9) of the NPA Act);
 - 10.2 The Deputy National Directors of Public Prosecutions ("DNDPPs");
 - 10.3 The Directors of Public Prosecutions ("DPPs"), that include the Investigating Director ("ID") of an investigating directorate (which presently is the IDAC) and Special Directors of Public Prosecutions ("SDPPs") appointed in the Office of the NDPP ("ONDPP");
 - 10.4 The Deputy Directors of Public Prosecutions ("DDPPs");
 - 10.5 The Prosecutors.
11. A copy of the Macro Organisational Structure for the NPA is attached marked "A".
12. In terms of s. 6 of the NPA Act, there is an Office of a DPP (or as the case may be, a DDPP under the control and directions of a DPP) established at each seat of each Division of the High Court of South Africa, including

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provincial and local divisions of the High Court. These DPPs may be referred to as "section 6 DPPs".

13. In terms of s. 13(1)(a) of the NPA Act, such DPPs are appointed by the President of the Republic of South Africa ("President"), after consultation with the Minister of Justice and Constitutional Development ("Minister") and the NDPP. In terms of s. 179(3) of the Constitution and s. 24 read with s. 20(3) of the NPA Act, such section 6 DPPs have *original* jurisdiction and responsibility for all criminal prosecutions and criminal cases falling within the area of jurisdiction in which they have been appointed at High Court and Magistrate's Court level.
14. Section 6 DPPs may conduct criminal proceedings only in relation to all offences committed in their jurisdiction, except offences that have been expressly excluded from their jurisdiction, either generally or in a specific case, under s. 20(3)(b) or s. 22(3) of the Act. DPPs have general prosecutorial powers under s. 20(1) read with s. 20(3) and 24(1) of the NPA Act.
15. In terms of s. 24(9) of the NPA Act, DDPPs have the same powers, duties and functions of a DPP, subject to the control and directions of a DPP.
16. An Investigating Director ("ID") is appointed by the President under s. 13(1)(b) of the NPA Act. In terms of s. 24(2) of the Act, an ID may, in addition

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to the powers, duties and functions conferred or imposed on or assigned under sections 7, 28, 29 and 29A of the Act, institute criminal proceedings or a criminal prosecution in the area of jurisdiction of any section 6 DPP, after consultation with the DPP of the area of jurisdiction concerned.

17. SDPPs are appointed in the ONDPP by the President in terms of s. 13(1)(c) of the NPA Act, after consultation with the Minister and the NDPP. Their powers, duties and functions are determined by the President by proclamation in the *Government Gazette*. In terms of s. 24(3) of the Act, if general prosecutorial powers under s. 20(1) of the NPA Act, are conferred or imposed on or assigned to an SDPP by proclamation in the *Government Gazette*, such powers, duties and functions may only be exercised, carried out and performed in consultation with the section 6 DPP of the area of jurisdiction concerned.

PROSECUTION POLICY, PROSECUTION POLICY DIRECTIVES AND CODE OF CONDUCT

18. The decision to prosecute or not to prosecute must be made in accordance with the NPA *Prosecution Policy* and *Prosecution Policy Directives*.
19. The purpose of the *Prosecution Policy* is to set out, with due regard to the law, the way the NPA in general and individual prosecutors should exercise their discretion, and to guide prosecutors in the way they should exercise

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their powers, carry out their duties and perform their functions. It is important that the prosecution process is and is seen to be transparent and that justice is done.

20. The *Prosecution Policy* prescribes the various factors that must be considered by a member of the NPA (generically referred as a "prosecutor", but applying also to senior members of the NPA, i.e. the NDPP, DNDPPs, DPPs, ID, SDPPs, and DDPPs) when deciding whether to prosecute or not to prosecute.
21. Ultimately, in terms of the *Prosecution Policy*, prosecutors, in deciding whether or not to institute criminal proceedings against an accused person, must assess whether there is sufficient and admissible evidence to provide a *reasonable prospect of a successful prosecution*.
22. The NPA *Prosecution Policy* stipulates that once a prosecutor is satisfied that there is sufficient evidence to provide a reasonable prospect of a conviction, a prosecution should normally follow, unless the public interest demands otherwise. The NPA *Code of Conduct* provides that the public interest is distinct from media or partisan, i.e. political, interests and concerns, however vociferously these may be presented.

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23. The *Prosecution Policy Directives* deal with operational matters affecting or concerning the prosecution process and matters incidental thereto. They are intended to set uniform norms and standards in prosecutorial practices. As with the *Prosecution Policy*, the *Policy Directives* must also be observed in the prosecution process.
24. The *Code of Conduct* for Members of the NPA - as published in the *Government Gazette* of 29 December 2010 must also be complied with by prosecutors in exercising, carrying out and performing their powers, duties and functions. The *Code of Conduct* prescribes and delineates the ethical and professional conduct, independence, impartiality and objectivity required of prosecutors; the role of prosecutors in the administration of justice; in ensuring the fairness and effectiveness of the prosecution process, the co-operation that is needed between prosecutors and the police, the courts, the legal profession, defence counsel and any relevant government agency, whether national or international, as well as the rendering of assistance to prosecution services and colleagues of other jurisdictions; and the enforcement of the *Code of Conduct*, including the taking of disciplinary steps in terms of Public Service Regulations and the NPA Act in the event of transgressions of the *Code* and instances of unprofessional conduct.
25. There are, moreover, important constitutional and legislative provisions that must be adhered to in exercising prosecutorial discretion and in conducting criminal proceedings and carrying any other necessary functions incidental

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thereto. Section 179(4) of the Constitution provides that the NPA must exercise its functions without fear, favour or prejudice.

26. Section 32(1)(a) of the NPA Act provides that all members of the NPA must serve impartially and exercise, carry out or perform their powers, duties and functions in good faith and without fear, favour or prejudice and subject only to the Constitution and the law.
27. Section 32(1)(b) of the NPA Act provides that subject to the Constitution and the Act, no organ of state and no member or employee of an organ of state nor any other person shall improperly interfere with, hinder or obstruct the prosecuting authority or any member thereof in the exercise, carrying out or performance of its, his or her powers, duties and functions. Section 41(1) of the Act proscribes the contravention of s. 32(1)(b) of the Act. These provisions give effect to s. 179(4) of the Constitution in terms of guaranteeing the NPA's functional independence.
28. In terms of s. 32(2) of the NPA Act, the NDPP and all other persons referred to in s. 4 of the Act, i.e. DNDPPs, DPPs, DDPPs, and prosecutors, must, before commencing to exercise, carry out or perform their powers, duties and functions in terms of the Act, take an oath or make an affirmation, in which they swear or solemnly affirm in the capacity of their office to uphold and protect the Constitution and fundamental rights entrenched therein and enforce the law of the Republic without fear, favour or prejudice and, as the

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circumstances of any particular case may require, in accordance with the Constitution and the law.

29. A "member of the prosecuting authority" is defined in the NPA Act as referring to not only the NDPP, DNDPPs, DPPs, SDPPs, ID, DDPPs, and prosecutors, but also to investigators appointed in an investigating directorate or the IDAC under s. 19D of the Act and as referred to in s. 5(2)(f) of the NPA Act. Thus, the provisions of s. 32(1)(a) and (b) of the NPA Act apply also to such investigators. In other words, such investigators must exercise, carry out and perform their powers, functions and duties under sections 7, 28, 29 and 29A of the NPA Act independently and impartially and subject to the Constitution and the law.
30. In terms of s. 179(6) of the Constitution and s. 33 of the NPA Act, the Minister exercises final responsibility over the NPA, as the prosecuting authority. The SCA¹ has found that the Minister's final responsibility over the NPA does not mean that the Minister may instruct or give directions to the NPA to prosecute or to decline to prosecute or to terminate a pending prosecution, but the Minister is entitled to be kept informed in respect of all prosecutions initiated or to be initiated which might arouse public interest or involve important aspects of legal or prosecutorial authority.

¹ *National Director of Public Prosecutions v Zuma* 2009 (1) SACR 361 (SCA) para 32



C. **NDPP'S OVERSIGHT OVER DPPs, INCLUDING THE INVESTIGATING DIRECTOR (ID) OF THE IDAC**

31. Paragraph 4.1.12 of the Terms of Reference of this Committee focus on prosecutorial misconduct, the relationship between the IDAC and the PKTT, including whether the IDAC exceeded its mandate.
32. Adv Andrea Johnson, the Investigating Director (ID) and Head of the IDAC, has appeared before this Committee to address these issues, as well as the oversight of the staff of the IDAC,in the form of a retired judge, the complaints mechanism as provided for in s. 22A of the NPA Act. In this section, I seek to provide the Committee with information about an NDPP's, over the work of DPPs, including the ID, as well as mechanisms to deal with prosecutorial misconduct broadly.
33. The National Prosecuting Authority Amendment Act, 2024 (Act No. 10 of 2024) ("NPAA Act"), which established the IDAC, adds to the personnel at the ONDPP, "investigators" who are appointed at or assigned to an investigating directorate or the IDAC. In terms of s. 7(1A) and (1B) of the NPA Act, as introduced by s. 4(b) of the NPAA Act, investigating directorates, including the IDAC are established in the ONDPP.
34. Such investigators in the present IDAC are either permanently appointed in the IDAC in terms of s. 19D of the NPA Act, or on secondment or a duty assignment from other bodies such as the South African Police Service

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("SAPS") or the Directorate for Priority Crime Investigation ("DPCI"), in terms of s. 7(4) of the NPA Act, to assist the ID in the investigations.

35. The powers, functions and duties of an NDPP are broadly set out in s. 22 of the NPA Act. The NDPP, in terms of s. 22(1) of the NPA Act, has authority over all the powers, functions and duties of all members of the NPA, i.e. DNDPPs, DPPs, SDPPs, ID, DDPPs, prosecutors, and investigating directorate or IDAC investigators. The Act makes plain that all these functionaries or officials of the NPA are ultimately accountable to the NDPP in respect of the exercising, carrying out and performance of their powers, duties and functions under the Act, including in respect of their general prosecutorial powers, considered above.
36. In other words, the NDPP is to exercise oversight of the NPA, to ensure that the institution, as the prosecuting authority of the Republic, functions optimally, effectively and efficiently in the carrying out of its core powers, functions and mandate. In terms of s. 22(4)(d) of the NPA Act, a key duty of the NDPP is to assist DPPs and prosecutors in achieving the effective and fair administration of criminal justice.
37. NDPP is, in turn, in terms of s. 35 of the NPA Act, accountable to Parliament for the performance of the NPA. Moreover, in terms of the final responsibility which the Minister must exercise over the NPA (see s. 179(6) of the Constitution and s. 33 of the NPA Act), he or she may request the NDPP to



submit a report to him or her on any decision taken by, or matter dealt with by, the NDPP or a DPP, especially where, as the SCA has affirmed, a prosecution instituted or to be instituted might impact national security interests or arouse the public interest or involve important aspects of legal or prosecutorial authority; this does not mean that the Minister may instruct the NPA to prosecute or not to prosecute.

38. What we may glean from the aforesaid principles is that even though section 6 DPPs take decisions and are responsible for prosecutions that fall within their respective areas of jurisdiction, such DPPs are not autonomous, but are subject to oversight by the NDPP and are concomitantly accountable to the NDPP for the exercising, carrying out and performance of their powers, duties and functions. Related hereto, s. 34(1) of the NPA Act provides that a DPP is required annually to submit a report to the NDPP on all his or her activities during the previous financial year (this is also required in s. 24(4)(b) of the Act). Section 34(2) of the Act stipulates that the NDPP may request a DPP to submit a report regarding a specific activity relating to his or her powers, duties or functions.
39. Section 22(4)(a)(ii) of the NPA Act states that the NDPP may direct a DPP to submit a report to him or her in respect of any case, matter, prosecution or prosecution process or directions or guidelines given or issued by the DPP in terms of the Act (this requirement is also provided for in s. 24(4)(a) of the

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Act). This would be to enable the NDPP to exercise his or her powers under s. 22(2) of the Act.

40. Section 20(3) of the NPA Act provides that section 6 DPPs are to exercise and carry out their general prosecutorial powers and functions "subject to the control and directions of the *National Director* [i.e. NDPP]".² A similar provision is contained in s. 24(3) of the NPA Act, in respect of SDPPs. Similarly, s. 7(3) of the NPA Act provides that the head of an investigating directorate, must perform the powers, duties and functions of the investigating directorate concerned "subject to the control and directions of the NDPP".
41. For present purposes, it is important to understand what the phrase "subject to the control and directions of the NDPP" means in relation to general prosecutorial powers and functions of DPPs, SDPPs, and the ID.
42. *First*, it does not mean that an NDPP can instruct a DPP, SDPP or the ID, as the case may be, to prosecute or not to prosecute in any given criminal case. In this regard, what it does mean is that if an NDPP exercises his or her review powers of the decision to prosecute or not to prosecute, contemplated in s. 179(5)(d) of the Constitution and s. 22(2)(c) of the NPA Act, he or she, acting in terms of these provisions and complying with the procedure or processes prescribed therein, may overturn the decision of a DPP, an SDPP

² Italics in the legislative text.

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or the ID to prosecute or not to prosecute, and accordingly issue an instruction or a directive that a prosecution must be proceeded with or that the criminal charge(s) must be withdrawn, as the case may be.

43. If the converse were true that the rider "subject to the control and directions of the NDPP" means that an NDPP can, outside the scope of s. 179(5) of the Constitution and s. 22(2) of the NPA Act, instruct a DPP or a prosecutor to prosecute or not to prosecute a criminal case, this would render nugatory the NDPP's review powers over such decisions, which the legislature could not have intended. It would also be inconsistent with the constitutionally enshrined principle that DPPs are responsible for prosecutions in their respective areas of jurisdiction.
44. *Second*, it means that in terms of s. 179(5)(c) of the Constitution and s. 22(2)(b) of the NPA Act, an NDPP may only intervene in any prosecution process when prosecution policy directives are not complied with.
45. *Third*, all members of the NPA are subject to the *NPA Prosecution Policy, Prosecution Policy Directives, and the NPA Code of Conduct*, and which must be observed in the prosecution process. This means that a DPP, SDPP, ID and prosecutor, in deciding whether to institute a prosecution or not, is required to take into consideration the factors delineated in the *Prosecution Policy*. It would also mean adherence to prosecutorial directives, norms and standards, and professional and ethical conduct as delineated in the

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Prosecution Policy Directives and NPA *Code of Conduct*, in exercising and carrying out their prosecutorial powers, duties and functions.

46. *Fourth*, a NDPP can transfer a criminal case or charge to the area of jurisdiction of another DPP in terms of s. 22(3) of the NPA Act, as referred to above.
47. *Fifth*, a NDPP, in terms of s. 20(3)(b) of the NPA Act, directing that certain offences are excluded from the area of jurisdiction of a DPP concerned, either generally or in a specific case, as referred to above.
48. *Sixth*, the oversight which the NDPP must exercise over the NPA and the reporting lines between the NDPP and DPPs, SDPPs, the ID and prosecutors, as discussed above³. Such oversight pertains to operational, administrative and financial aspects affecting prosecutorial powers, duties and functions. Besides the DNDPP: NPS, the DNDPP: SOC also plays a key role here.
49. The NDPP's oversight of the NPA is also materialised through the Office for Ethics and Accountability ("OEA"), which has been established in the ONDPP in terms of s. 22(5) of the NPA Act, by regulations issued by the Minister, published in the *Government Gazette* of 24 November 2023.

³ See para 38.



50. The two core functions of the OEA are to promote ethics within the NPA and to investigate complaints of misconduct and impropriety on the part of any member of the NPA. Regulation 17 of the OEA Regulations provides that any complaint against an NDPP, a DNDPP or a DPP must be reported on to the Minister for referral to the President, to consider instituting an enquiry in terms of s. 12(6) of the NPA Act into the fitness of such official to hold office.
51. The NPA's response, at NDPP level, to monitoring progress on prioritised matters, for example relating to State Capture and other complex corruption, asset recovery, FATF, or sexual and gender-based violence, and performance in general are examples of the oversight which the NDPP is to exercise over the DPPs in relation to their powers, duties and functions.
52. All members of the IDAC, apart from the ID who in terms of s. 13(1)(b) of the NPA Act is a DPP, have been subject to legislative provisions under the Public Service Act, 1994 ("PSA") and the Public Service Regulations, in terms of any disciplinary processes related to any complaints lodged against a member of the IDAC. The ID, who is a DPP, would be subject to suspension and an Enquiry instituted by the President into her fitness to hold office, in terms of s. 12(6) of the NPA Act, if any complaint of misconduct or incapacity to carry out her duties of office efficiently, is lodged against her.
53. Section 22A of the NPA Act, inserted into the Act by the National Prosecuting Authority Amendment Act, 2024 (Act No. 10 of 2024), which established the

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IDAC under s. 7(1A) of the Act, provides for a complaints mechanism in the form of a retired judge, who is empowered in the provision to investigate and deal with any complaints lodged against a member of the IDAC relating to misconduct or any conduct that has resulted in any impropriety or prejudice to any person. Also, the said provision allows for the retired judge to investigate any complaint lodged by any member of the IDAC relating to any improper influence or interference, hindrance or obstruction, whether of a political or any other nature, exerted upon him or her in the exercise, carrying out or performance of his or her powers, duties and functions.

54. However, s. 22A of the NPA Act, has not been brought into operation as yet, even though a retired judge, namely the Honourable Mr. Justice Takalani Joseph Raulinga, was appointed by the President, per the President's Minute No. 232 of 2025, dated 11 October 2025, to be the retired judge contemplated in s. 22A of the NPA Act, for a five (5) year term. The Ministry of the Department of Justice and Constitutional Development has advised that it is in the process of having s. 22A of the Act brought into operation.
55. As s. 22A of the NPA Act has not been brought into operation, this effectively means that the PSA and Public Service Regulations still apply to members of the IDAC in terms of disciplinary processes relating to any complaints lodged against such members. As mentioned in paragraph 34 above, s. 12(6) of the NPA Act will continue to apply to the ID, given that she is a DPP, even after the coming into operation of s. 22A of the Act. This much is clear from



s. 22A read with s. 7(4)(a) of the NPA Act.

D. **THE FUNCTIONING OF THE CRIMINAL JUSTICE VALUE CHAIN AND THE ROLE OF PROSECUTOR-GUIDED INVESTIGATIONS**

56. I have been requested in line with paragraph 4.1.18 of the ToRs to address inter-agency co-ordination amongst SAPS, Crime Intelligence, IDAC/NPA, Correctional Services and Metro Police, and the legal basis for directives affecting the PKTT. I have also been requested, in line with paragraph 4.1.15, to examine the impact of these issues on public trust in key law enforcement institutions and the criminal justice system more broadly.
57. In terms of the PKTT, and in line with the powers and functions described earlier, and as set out in the NPA Act, Adv Harrison, DPP: KZN has led evidence before the Madlanga Commission on the working relationship between the NPA and the PKTT.
58. My direct involvement regarding the PKTT has been limited. The DPP: KZN has testified before the Madlanga Commission about measures put in place to work with the PKTT. She made available prosecutors from the Organised Crime component to work on cases brought by the PKTT.
59. With regards to inter-agency coordination, a functioning criminal justice system depends on the integrity and performance of each of its component parts – intelligence, policing and investigations, prosecution, the judiciary,

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corrections, and supporting institutions such as forensic laboratories, and financial-regulatory bodies. These components form an interdependent value chain: to state the obvious if one link fails, the effectiveness of the entire chain is diminished. The system is only as strong as its weakest link.

60. For the criminal justice value chain to operate effectively, three conditions must exist:
 - 60.1 Institutional functionality: Each institution must be capable, adequately resourced, and managed according to clear mandates. Police must investigate, prosecutors must prosecute, and courts must adjudicate efficiently and impartially.
 - 60.2 Inter-institutional coordination: Seamless cooperation and information-sharing between investigators, prosecutors, intelligence units, and forensic analysts are indispensable. Fragmentation results in evidentiary gaps, duplication, and lost cases.
 - 60.3 Strategic alignment and accountability: Common priorities, performance indicators, and feedback loops must align the efforts of all actors. Without a shared vision and data-driven management, the system cannot respond coherently to crime trends.
61. In practice, this requires:

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- 61.1 Early joint planning of investigations and prosecutions.
 - 61.2 Common understanding of case theory and evidentiary requirements.
 - 61.3 Integrated digital case-management systems accessible across institutions.
 - 61.4 Regular joint performance reviews (case flow committees, docket backlogs, plea trends).
 - 61.5 Stable and ethical leadership, and professional trust between the NPA, the Directorate for Priority Crime Investigation (DPCI/Hawks), SAPS Detective Service, and other agencies.
62. A key aspect of inter-agency cooperation is the Prosecutor-Guided Investigation (PGI) model, a model which has been in place for many years and is followed primarily in the NPA's specialised units e.g. Specialised Commercial Crimes Unit (SCCU), Priority Crimes Litigation Unit (PCLU), and Organised Crime Component (OCC)) and also in general prosecutions on a needs-based manner to deal with serious or complex matters.
63. PGI represents a cooperative model in which prosecutors participate from the earliest investigative stages – advising and guiding the investigative strategy. This ensures that evidence gathered is legally sound, relevant to the anticipated charges, and sufficient to support a conviction. PGI is not a

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deviation from investigative independence but a structured partnership that enhances legality, efficiency, and outcomes.

64. Key advantages of PGI are:

64.1 Legal integrity: Early prosecutorial oversight ensures evidence is lawfully obtained and admissible in court.

64.2 Efficiency: Focused investigations save time and resources by avoiding duplication and delays.

64.3 Strategic accountability: Prosecutors help build coherent cases that target entire criminal networks, not just individuals.

64.4 Credibility and cooperation: Oversight strengthens public trust and facilitates cross-border collaboration through compliant, transparent processes.

65. The NPA is working closely with law enforcement entities to institutionalise PGI as a methodology to tackle complex crimes. However, a functioning criminal justice chain cannot pursue every offence with equal vigour; prioritisation must become the norm. This is both a necessity and an ethical obligation – to ensure that limited prosecutorial and investigative capacity is directed toward matters of greatest public interest and systemic impact.

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66. Ensuring the NPA's full financial and operational independence is a structural reform aimed at enhancing institutional efficiency and accountability; strengthening the fight against corruption and organised crime; and promoting public confidence in the integrity of South Africa's justice system. Such reform also encompasses the NPA having its own Accounting Officer.
67. The Minister, the Honourable M Kubayi, recognises the importance of the NPA's financial and operational independence, and has committed to finalising the required legislative amendments before the end of the 2025 financial year, and to support implementation of the changes in a realistic and practical way.

E. ALLEGATIONS OF ALLEGED INFILTRATION IN CRIMINAL JUSTICE SYSTEM AND THE NPA

68. This section relates to paragraph 4.1.11 of the Committee's ToRs which refers to the alleged existence of an organised crime syndicate controlled by drug cartels as well as business people and its infiltration of key criminal justice role-players involving politicians, law enforcement from SAPS and the Metro Police Division, Correctional Services, the NPA, and the Judiciary.
69. In this regard, the NPA (like any other entity or institution) is at risk of infiltration and compromise. The Zondo Commission heard testimony relating to the capture of the criminal justice system in South Africa. The NPA was not spared, and we have spent the past seven years trying to recover from

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this. We have introduced several important reforms and internal structures to rebuild the NPA into a fit-for purpose organisation. We have strengthened the key units - the SCCU, the IDAC since its permanent establishment, and the Asset Forfeiture Unit.

70. We have also pressed ahead with efforts to ensure accountability for allegedly implicated prosecutors. Where we do receive allegations of prosecutors taking bribes, these allegations are processed through the normal labour processes, including through the OEA, which is responsible for handling and investigating any complaint or any alleged improper conduct by a member of the NPA and taking appropriate action or making recommendations.
71. From 2019 until March 2025, the OEA and its precursor (the Integrity Management Unit) received 58 complaints of allegations of corruption. Of these, 31 were closed as unsubstantiated, 16 were referred to Labour Relations, 7 were classified as representations linked to particular cases, and 4 are still under investigation.
72. Out of 11 matters where disciplinary proceedings were concluded, eight (8) employees were dismissed; two (2) resigned and one (1) employee was found not guilty. Criminal charges were filed against several implicated prosecutors, and these matters are currently before court in the respective provinces.

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73. I can at a high level disclose that earlier this year, I received classified intelligence, details of which I cannot disclose, that there are concerted and active attempts to compromise prosecutors and specific cases, and to target the NDPP, to undermine the NPA's credibility and my position as NDPP. I also received information from the National Commissioner and Lt General Khumalo regarding a potentially corrupt prosecutor, which I referred to IDAC in terms of the NPA Act. As this matter is under investigation, I cannot disclose further details. Save for this, I have no evidence of organised crime infiltration within the NPA.
74. I want to clarify public statements I made in June 2025 concerning alleged NPA infiltration. These statements were informed by the intelligence that I received. In a media interview on 5 June 2025, I stated that the NPA had been infiltrated by individuals seeking to undermine the rule of law.
75. Immediately upon receipt of the intelligence, I informed the Minister, and we met on 6 June 2025, when I briefed her. I also met with President Ramaphosa and briefed him about the intelligence, and my concerns.
76. Notwithstanding these issues, I affirm that the majority of NPA prosecutors are dedicated, skilled, and committed to justice and the rule of law.
77. Over the past few months, I have been conducting visits to different DPP Divisions where I have emphasised the importance of prosecuting cases



without fear, favour or prejudice and the duty to always act ethically. I also encouraged staff to report any concerns that they might have to the OEA.

78. Moreover, I can categorically state that since I became NDPP in 2019, I have not experienced any undue Executive political interference.

F. CONCLUDING REMARKS AND HIGH-LEVEL RECOMMENDATIONS

79. South Africa is at a critical inflection point in the consolidation of the rule of law and accountability. The rise of organised crime, coupled with entrenched corruption and institutional fragility, presents both a profound threat and a defining opportunity. Our recent removal from the FATF grey list demonstrates what can be achieved through coordinated and sustained reform. However, unless we strengthen the foundations of our criminal justice system, that progress will not be sustained.
80. The allegations made by Lieutenant General Mkhwanazi—irrespective of their veracity—have brought into sharp focus the systemic vulnerabilities within the State’s security and justice architecture. This moment should not be squandered. It must serve as a catalyst for the comprehensive institutional reforms long recognised as necessary to safeguard the independence, integrity and effectiveness of the criminal justice system.
81. The NPA has never been the subject of an institutional review comparable to the Nugent Commission reforms at SARS, nor did the Zondo Commission

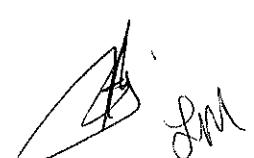
A handwritten signature in black ink, appearing to read "JM".

make recommendations to address the systemic weaknesses affecting the NPA or the broader criminal justice value chain. The work of this Ad Hoc Committee, together with that of the Madlanga Commission and the National Anti-Corruption Advisory Council, presents an unprecedented opportunity to examine these systemic challenges in depth and to recommend the structural reforms required to restore institutional integrity and operational capability across the criminal justice continuum.

82. As the Chairperson of SCOPA aptly remarked, if the criminal justice car has no wheels, it cannot move, regardless of who is driving it. Each component—intelligence, policing, prosecution, justice, the judiciary and correctional services—must function optimally and in concert for the system as a whole to deliver justice. Fragmented or piecemeal interventions will not suffice.
83. Within the NPA, several internal reforms are urgently required. The process of appointments should be synchronised and depoliticised to ensure transparency, merit, and accountability at all levels of prosecutorial leadership. In addition, the significant disparities in remuneration within different law enforcement entities, and between the public and private sectors, particularly in specialised units such as IDAC and the AFU, undermine recruitment and retention efforts. These are structural weaknesses that must be addressed to secure the NPA's long-term effectiveness.

A handwritten signature in black ink, appearing to read "Jim Mthembu".

84. We also reaffirm, in line with NACAC's recommendations, the urgent need for legislative amendments to provide robust protection and support mechanisms for whistleblowers and witnesses, who are vital in the fight against corruption. Such proposed amendments, which are expected to be presented to Parliament soon, will also provide clarity on the placement of the Office for Witness Protection.
85. While I cannot speak to the specific allegations raised by Lieutenant General Mkhwanazi, we must acknowledge that the possibility of organised crime infiltrating parts of our criminal justice system is a massive risk. South Africans know too well that corruption and criminal networks have long tested the strength of our democracy. But we have faced capture before — and we have made good progress to overcome it. We need to demonstrate the same resilience again. The rule of law in South Africa is under strain, but is not lost; it simply demands our vigilance, and our collective will to defend it. With ethical and strong leadership, evidence-based action, and the sharp minds this country is rich in, the solutions to our crime crisis are within reach — and so is the restoration of trust in justice.
86. This is not a moment for institutional defensiveness but for decisive reform. We cannot afford to waste this crisis. If we act with clarity and conviction, we can strengthen our institutions and restore public confidence in the administration of justice. If we fail to do so, we risk entrenching the very weaknesses that organised crime seeks to exploit.

A handwritten signature in black ink, appearing to read "Jacob Zuma".

SHAMILA BATOHİ

I certify that the above signature is the true signature of the deponent who has acknowledged to me that she knows and understands the contents of this affidavit, which affidavit was signed and sworn to at Pretoria on this 7th day of November 2025 in accordance with the provisions of Regulation R128 dated 21 July 1972, as amended by Regulation R1648 dated 19 August 1977, R1428 dated 11 July 1980 and GNR774 of 23 April 1982.

1. Ek sertifiseer dat voordat ek die voorgeskrewe ood/bevestiging afgemeen het ek die volgende vrae aan die verklaarer gestel en sy haar antwoorde in sy haer teenwoordigheid neergeskryf het:

(1) Is u vertrou met die inhoud van die bestaande verklaring en begryp u dit?

Antwoord.....

(2) Het u enige beswaar teen die aflo van die voorgeskrewe eed?

Antwoord.....

(3) Beslou u die voorgeskrewe eed as bindend vir u gewe?

Antwoord.....

2. Ek sertifiseer dat die verklaarer erken dat hy/sy vertrou is met die inhoud van die verklaring en dit begryp. Hierdie verklaring is op beitsiging voor my en verklaarer se handloond diuimafdruk merk is in my teenwoordighed daarop aangebring.

S.A. Ntshaba
Vrederegt/Justice of Peace
Kommissaris van Ede/Commissioner of Oaths
Amp (rang) *Advocate of the High Court*
Signature(rank) *Ex Officio Republic of South Africa*

1. I certify that before administering the oath affirmation I asked the deponet the following questions wrote down his/her answers in his/her presence.

(1) Do you know and understand the contents of the declaration?

Answer Yes.

(2) Do you have any objection to taking the prescribed oath?

Answer No.

(3) Do you consider the prescribed oath to be binding on your conscience?

Answer Yes.

2. I certify that the deponent has acknowledged that he/she knows and understands that the contents of this declaration which was sworn to affirmed before me and the deponent's signature thumb print/mark were placed thereon in my presence.

COMMISSIONER OF OATHS

NATIONAL PROSECUTING AUTHORITY	
2025 -11- 07	
SOUTH AFRICA	