

To: Mmamoloko Kubayi, Minister of Justice and Constitutional Development
Date: Thursday, 19 June 2025
Subject: Memorandum: Demand For the Removal of the National Director of Public Prosecutions, Adv Shamila Batohi

Purpose of this Memorandum

This memorandum is submitted to bring to your urgent attention the deepening and now intolerable, crisis of leadership at the National Prosecuting Authority (NPA) under Advocate Shamila Batohi. After nearly six years at the helm, the National Director of Public Prosecutions has presided over a steady hollowing out of South Africa's prosecutorial credibility.

We therefore call upon the Minister of Justice, as the Cabinet member responsible for Justice and Constitutional Development, to engage the President to exercise the powers afforded to him under Section 12 of the National Prosecuting Authority Act, and to initiate the formal process for the removal of the NDPP due to her track record of failure.

The failures of the NPA are not merely administrative, they are now existential. The institution's collapse has corroded the rule of law, emboldened criminal syndicates and corrupt elites, and denied justice to victims. In its current state, the NPA is not just failing its constitutional mandate, it at times seems to be actively undermining it.

Background and Context

Advocate Shamila Batohi's appointment in December 2018 was intended to mark a break from the dark era of State Capture — a period marked by political interference and institutional decay. Her arrival was met with rare national consensus and a genuine sense of hope: that justice would finally be restored and those responsible for looting the state would be held accountable.

Yet, nearly six years later, that hope has curdled into deep public disillusionment. The institution remains directionless, riven by internal factionalism, and wholly unable, or unwilling, to act decisively against either high-level corruption or pervasive violent crime.

Despite overwhelming evidence presented by the Zondo Commission, the NPA has failed to deliver even the most basic semblance of prosecutorial justice. Its inertia is no longer a temporary dysfunction but a sustained and systemic failure — with far-reaching consequences for every South African.

A National Collapse: The NPA's Catalogue of Failure

The NPA today is not a shield for the innocent nor a sword against the corrupt. It has become a cautionary tale of what happens when leadership fails, when courage is absent, and when accountability is optional.

Overall NPA Staffing and Capacity:

As of the end of March 2024, when the last annual report is available, the NPA had 168 fewer employees compared to the previous year.

The NPA's total establishment grew from 5,729 posts in 2020 to 6,596 in 2023, then slightly decreased to 6,587 in 2024 however the vacancy rate has led to an overall decrease in employee numbers.

Budget constraints significantly impacted recruitment efforts, particularly from July 2023 onwards. Despite this, over 1,000 young, passionate graduates were recruited through the Aspirant Prosecutor Programme (APP) over the past five years. In 2023/24, the APP added 183 aspirant prosecutors to the NPA's permanent establishment.

The Asset Forfeiture Unit (AFU) was unable to make appointments from June 2023 due to budget constraints. The AFU's vacancy rate was 23% as of March 2024.

The Office for Witness Protection (OWP) has a vacancy rate of 32%, which significantly affects its service delivery. Recruitment for the OWP has been on hold due to a job evaluation process that downgraded posts, leading to concerns about recruiting qualified personnel.

The Specialised Commercial Crime Unit (SCCU) had a vacancy rate of 17% on 1 April 2023, which decreased to 15% by 31 March 2024.

The Sexual Offences and Community Affairs (SOCA) Unit had a vacancy rate of 27.5% at the end of the 2023/24 financial year, with 74 vacant posts out of a total of 269. Limited capacity due to austerity measures hindered the expansion of the Thuthuzela Care Centre (TCC) footprint despite securing funding for construction.

The Specialised Tax Unit (STU) has been prevented from filling critical positions due to austerity measures, leading to under-capacitation in administrative support and a lack of permanent heads in four divisions.

Provincial Vacancy Rates (as of the 2023/24 financial year, unless otherwise specified):

- **Eastern Cape Division:**
The region has a vacancy rate of 16%, with only 561 out of 668 posts filled. In the previous financial year 2022/23, its vacancy rate was 17%, up from 16%.
- **Free State Division:**
The vacancy rate decreased from 9.63% on 1 April 2023 to 8.29% as of 31 March 2024. The establishment grew to 362 posts. In 2020/21, the division faced a 24% vacancy rate.
- **Gauteng Local Division:**
Johannesburg: While the 2023/24 report notes a "high number of vacancies in the Regional Courts", a specific overall percentage for the 2023/24 period is not provided. However, in the 2022/23 financial year, its vacancy rate decreased from 13.4% (75 vacant posts) to 9.4% (56 vacant posts) year on year.
- **Gauteng Division:**
Pretoria: The vacancy rate increased from 8.26% (36 vacancies out of 436 posts) at the beginning of the financial year to 11.6% (51 vacancies out of 439 posts) at the end of the 2023/24 financial year. This includes a decline in Regional Court prosecutors due to internal promotions to the Investigating Directorate (ID).
- **KwaZulu-Natal Division:**
The vacancy rate increased from 9.1% (total establishment of 762) at the end of April 2023 to 12.3% (total establishment of 760) at the end of March 2024. Vacancies are primarily in the District and Regional Courts. In the 2022/23 financial year, its vacancy rate was 8.7%.
- **Limpopo Division:**
The division has 353 staff in a current establishment of 404, resulting in a vacancy rate of 12.6%. Prosecutorial posts saw a decline due to retirements, resignations, deaths, and appointments to other divisions, significantly affecting clusters and the SCCU. In the 2022/23 financial year, the vacancy rate in prosecutions was 6.8%.

- **Mpumalanga Division:**
The division had a staff establishment of 315 in the 2023/24 financial year, with 270 posts filled, leading to a vacancy rate of 14.28%. The vacancy rate remained at 14% in 2022/23 due to newly established specialist components. In 2020/21, the division operated with a 19.6% vacancy rate.
- **Northern Cape Division:**
The division has a vacancy rate of 16%, impacting its performance due to vacancies in key administrative and legally qualified staff positions. In 2022/23, the vacancy rate decreased from 13.6% to 10.6%.
- **North-West Division:**
The regional establishment decreased from 342 at the beginning of 2023/24 to 313 at the end of the financial year. The vacancy rate is currently 9%. In 2022/23, the vacancy rate declined from 11% to 9%.
- **Western Cape Division:**
The division's establishment stands at 722 posts with 64 vacancies, resulting in an 8.8% vacancy rate. Despite a current moratorium on filling vacancies, the staff establishment significantly increased by 38.5% from 521 to 722 posts between 1 April 2019 and March 2024. In 2022/23, the vacancy rate was 9.25%, and in April 2021, it was 19.72%.

Zondo Commission: Gathering Dust as NPA Dithers

The National Prosecuting Authority's (NPA) handling of the Zondo Commission's findings remains one of the most profound institutional betrayals of South Africa's democratic promise. More than three years since the conclusion of the most expansive judicial inquiry in the country's history, not a single conviction has been secured for the State Capture crimes exposed by the Zondo Commission.

In the 2024/25 financial year, the NPA recorded a mere six prosecutions related to State Capture. Shockingly, its own target—outlined in Parliament—is to reach just ten cases by 2027. This represents a monumental abdication of prosecutorial duty, especially given that State Capture has been independently estimated to have cost the country over R500 billion in lost value, collapsed institutions, and stunted development.

Despite repeated commitments to accountability, there have been zero convictions arising from the Gupta Leaks, the documents that first unravelled the systemic looting of South Africa and prompted the Zondo Commission itself.

The Numbers Are Damning:

- The Zondo Commission recommended that over 1,400 individuals, companies, and government entities be investigated and considered for prosecution.
- Yet, in a written reply to Hon. Trollip (NW205, 8 November 2024), the Directorate for Priority Crime Investigation (DPCI) revealed:
 - Only 200 Zondo recommendations had been prioritised for action.
 - These had resulted in just 12 court cases, addressing only 38 of the recommendations—a staggering 2.7% of the total.

This shows that the vast majority of the Commission's work is gathering dust, while politically connected individuals remain untouched, and stolen billions remain unrecovered.

Some examples of failures:

1. Collapse of the Passenger Rail Agency of South Africa (PRASA) Procurement Case

- In February 2025, the NPA quietly withdrew charges against former PRASA executives in a procurement fraud case dating back to the Swifambo trains scandal.
- This occurred despite overwhelming evidence presented to the Zondo Commission showing manipulated contracts, ghost tenders, and political interference.
- Prosecutors cited “deficiencies in evidence and case readiness”—a pattern that has become all too familiar.

2. No Action on Transnet and Eskom High-Value Contracts

- As of mid-2025, no arrests or charges have been laid against key decision-makers responsible for irregular Transnet and Eskom contracts valued at over R120 billion, despite detailed Zondo findings and paper trails of payment flows to Gupta-linked entities.
- The former CFO of Transnet, implicated in awarding inflated contracts and receiving kickbacks, continues to serve in corporate roles, uncharged.

1. Collapse of Zizi Kodwa Bribery Case

- Zizi Kodwa, then South Africa's Minister of Sports, Arts, and Culture, appeared in court on charges of accepting bribes totaling approximately R1.6–1.7 million (about USD 90 000) from former EOH executive Jehan Mackay
- He immediately resigned from his ministerial post and parliamentary seat, announcing his intention to plead not guilty.
- In July 2024 Both Kodwa and Mackay were released on R30 000 bail.
- Legal proceedings continued, with Kodwa's legal team emphasizing the reputational damage caused by the charges and seeking trial dates.
- November 2024 The National Prosecuting Authority (NPA), led by Director Andrew Chauke, withdrew the charges, citing “new developments” brought into light through representations by Kodwa and Mackay. The NPA said prospects of a successful prosecution had diminished.

Provincial Catalogue of Catastrophic Failures

Below is a selection of illustrative failures from every province in the country that collectively signal a collapse in the credibility and functioning of the prosecutorial system.

Free State – A Graveyard of High-Profile Corruption Cases

The Free State stands as perhaps the most damning example of the NPA's institutional collapse. Two of South Africa's most emblematic corruption scandals — the Estina Dairy Project and the Asbestos Audit Contract — have devolved into legal farce under Advocate Batohi's stewardship. These failures not only reflect prosecutorial incompetence but betray the victims of State Capture and damage public confidence in the very idea of justice.

Collapse of the Estina Dairy Project Case

In August 2022, the NPA quietly — and without meaningful justification — withdrew charges in the Estina Dairy Project case, despite a wealth of documentary and testimonial evidence, including findings from the Zondo Commission. This case, involving the looting of over R280 million meant to uplift emerging

black farmers in Vrede, instead became a textbook example of elite theft, implicating senior ANC politicians and the Gupta family.

Key Failures:

- No public explanation has been provided for the withdrawal of charges, despite widespread outcry.
- The NPA has failed to present a revised strategy or pursue alternative charges.
- Not a single Gupta family member — central to the scheme — has faced meaningful prosecution in South Africa.

This failure signaled to the public and international observers that even the most documented crimes of State Capture can escape accountability, rendering the work of whistleblowers, investigators, and commissions meaningless.

The Asbestos Audit Case: The Cholota Debacle

The R255 million asbestos case involving former Free State Premier Ace Magashule was severely undermined by the NPA's mishandling of Moroadi Cholota, a key witness and former aide to Magashule. In its attempt to extradite Cholota from the U.S., the NPA bypassed required legal processes, acting without the proper authorisation of the Minister of Justice.

In 2024, the Bloemfontein High Court ruled that the extradition was unlawful, as the NPA had failed to submit a valid and lawful request.

Judge Phillip Loubser noted:

"The prosecution has not shown reasonable doubt, or at all, that there was a valid or lawful request from South Africa for the extradition of Ms Cholota...The extradition itself was without any basis and, therefore, unlawful."

Key Failures:

- The NPA violated international legal procedures, undermining its own case.
- The mishandling has jeopardised one of the country's most high-profile corruption trials.
- The international embarrassment has damaged South Africa's legal credibility and future cooperation with foreign jurisdictions.

Together, these cases reflect a complete breakdown of prosecutorial leadership, legal competence, and strategic direction.

Northern Cape – "Monument to Corruption"

This is how former Premier Sylvia Lucas described the Kimberly Mental Health Hospital at its opening. Although only one site of extreme corruption in the province, this description can be aptly used for across the province and the collapse here is not only broad but it runs deep.

Kimberley Mental Health Hospital Tender Corruption

- Widely referred to as a "monument of corruption" by former Premier Sylvia Lucas and successive provincial officials, the Kimberley Mental Health Hospital stands as one of South Africa's most prolonged and expensive public health procurement scandals.
- Construction began in 2005 and was expected to take two years. Instead, it took over 13 years to complete, with costs ballooning to over R2 billion—well beyond initial estimates.
- Despite multiple Special Investigating Unit (SIU) and Public Protector reports confirming irregular tender processes, incomplete contracts, and inflated billing, the NPA has not prosecuted a single individual involved in the debacle.

Key failures include:

- A primary contractor abandoned the project in 2010, amid accusations of bid rigging and political interference.
- SIU findings revealed non-performance, irregular advance payments, and failure to blacklist corrupt suppliers.
- The hospital, although technically open, remains largely underutilised, plagued by staff shortages and equipment deficits—underscoring the long-term consequences of unchecked procurement corruption.

As of mid-2025, there have been:

- Zero arrests,
- Zero prosecutions.

Gauteng – On the loose and off the hook

PRASA Rail Corruption (Swifambo/Afro-4000)

- Since 2015, criminal complaints have surfaced against PRASA contracts involving Swifambo and Siyangena—implicated in corrupt procurement underpinned by Zondo findings
- Despite Supreme Court rulings that these contracts were irregular and tainted by corruption, the NPA has not prosecuted anyone.
- Open Secrets is now suing the NPA and Hawks, accusing both of “buck-passing” and paralysis in enforcing the rule of law

Life Esidimeni Tragedy

- In December 2024, Gauteng’s Director of Public Prosecutions confirmed the NPA still hasn’t charged Qedani Mahlangu or Dr Makgabo Manamela—key state figures deemed responsible following a tragic decision that killed over 140 mental health patients .
- Five months after a court recommended prosecution, the NPA remains undecided, undermining judicial authority and victims’ families.

The Bushiri Saga: A Litany of Delays and Deference

Delayed or Blocked Prosecution

- Self-styled prophet Shepherd Bushiri faced multiple charges in South Africa, including rape, trafficking, and fraud.
- However, NPA prosecutors Adina van Deventer and Alicia Roos were investigated for allegedly sabotaging prosecution, including cancelling arrest attempts and enabling virtual appearances.
- Internal discipline was sluggish, with no meaningful consequence until 2021—well after media exposure forced action.

Failed Extradition and Flight Risk Ignored

- After Bushiri fled South Africa in 2020, it took until early 2025 for Malawi’s courts to approve his extradition.
- The NPA called this “not yet a victory,” pointing to pending appeals—but critics noted that poor risk assessment allowed Bushiri to escape in the first place, echoing failures in the Gupta and Omotoso cases.

Asset Seizure and PR Spin

- The NPA succeeded in freezing and attempting to auction Bushiri’s R50 million Bombardier jet, while alleging he defrauded congregants of over R100 million.

- Bushiri claimed vindication in Malawi, saying he had repaid R70 million and accusing South African authorities of political persecution.

Accusations of Extortion and Interference

- Bushiri alleged that SAPS and justice officials attempted to extort R12 million from him, further damaging the credibility of the prosecutorial and policing system.
- These claims remain unresolved, and have been used to support his legal fights abroad against extradition.

Withdrawal of Charges Against Ex-Mayor Kabelo Gwamanda

- In October 2024, Kabelo Gwamanda, then Executive Mayor of Johannesburg, was arrested and charged in connection with a funeral policy scam—allegedly involving Soweto residents paying contributions to a company called iThemba Lama Afrika between 2011–2012.
- The case was slated for a trial-ready certificate hearing in February 2025.
- On February 25, 2025, the NPA provisionally withdrew all fraud charges against Gwamanda and his co-accused, Mduduzi Zondo, due to a lack of evidence.
 - The NPA prosecutor stated they “were not able to secure the certificate” and the docket contained incomplete materials (e.g., incorrect bank statements, missing documents) — leaving the case unripe for trial.
- The decision has drawn sharp criticism:
 - Gwamanda’s legal team echoed the procedural shortcomings, describing the docket as “disorganised” and “impossible to put together” from an evidentiary standpoint.

Current Status (as of mid-2025):

- The NPA claims the withdrawal is temporary, citing additional complainants who have since come forward and stating that further investigation is ongoing.
- Gwamanda has signaled potential legal action for loss of income after losing his mayoral post and MMC role due to the prosecution.

KwaZulu-Natal – The Blood Price of Political Inaction

KZN is known for its political violence and killings. The NPA’s response has not only been sluggish, but it can only be described as entirely mute. There is no accountability for these murders, and they continue unabated.

The Moerane Commission (2017)

This commission highlighted a deepening culture of impunity around political killings and recommended:

- A permanent multidisciplinary task team.
- Improved whistleblower protection.
- Strengthened prosecution of political violence.

Despite these urgent recommendations, the NPA has failed to implement or advocate for any systemic prosecutorial response.

Notable Failures:

- Sindiso Magaqa (2017) – No conviction to date.
- Musawenkosi Mchunu – Murdered in front of his family; no resolution.

- Thulani Maseko – Anti-corruption activist in Umzimkhulu; still awaiting justice.
- 2021–2023 Assassinations in eThekweni and Msunduzi – Ongoing violence with no prosecutorial breakthroughs.

North West – A Long Wait for Justice

The North West province continues to symbolise the failure of the criminal justice system to hold perpetrators of gross misconduct and corruption accountable—particularly in the aftermath of historic tragedies and state capture-linked prosecutions.

Marikana Massacre (2012)

Over a decade since the Marikana massacre, where 34 striking miners were shot dead by police, not a single conviction has been secured for the killings.

- In 2023, the NPA announced it was prioritising certain prosecutions linked to post-massacre crimes, including allegations of obstruction of justice and tampering with evidence.
- However, as of mid-2025, no trial has concluded, and many victims' families continue to seek answers.
- According to ongoing reporting and civil society commentary, families remain frustrated by the state's failure to deliver justice. A 2020 Al Jazeera article reported: "The families of the dead and injured continue to demand accountability for the deaths and cover-ups that followed."
- The Farlam Commission's 2015 report recommended prosecutions for officials and officers involved—but progress has been minimal.

Collapse of the Nulane Trial (2025)

In April 2025, the high-profile Nulane Investments trial collapsed in the Free State High Court sitting in Bloemfontein.

- Acting Judge Nompumelelo Gusha struck the charges of fraud and money laundering against Gupta associate Iqbal Sharma and several co-accused, citing a "haphazard" and poorly prepared prosecution.
- This marked yet another serious indictment of the NPA's capacity to prosecute complex state capture cases—especially those emerging from the Zondo Commission.
- The case stemmed from a 2011 procurement deal meant to conduct a feasibility study for a rural dairy project, widely believed to be a front for laundering public funds.

Limpopo –From Phala Phala to VBS Bank, a sight of critical failure and political impunity

Phala Phala Farm Scandal

In 2020, approximately \$580,000 in undeclared foreign currency was stolen from President Cyril Ramaphosa's Phala Phala game farm in Limpopo. The public only learned of the incident in 2022, when former spy boss Arthur Fraser filed an affidavit detailing the theft and alleged cover-up.

Despite widespread outcry and multiple institutional referrals, the NPA has failed to initiate any prosecutions.

1. Delayed Response: Three years after public disclosure and nearly five years after the incident, the NPA has yet to file any charges, despite pressure from Parliament and oversight bodies.
2. Inaction on High-Level Evidence: Despite Arthur Fraser's affidavit, CCTV footage, and suspect names, the NPA has not acted—raising concerns of political shielding.

3. Lack of Transparency: No substantive updates have been issued, fueling speculation of interference and eroding public confidence.
4. No Charges for Financial Crimes: There has been no action on possible violations of tax, foreign exchange, or anti-money laundering laws, despite glaring red flags.

Current Status (as of 2025):

- No charges have been laid. The NPA claims investigations are “ongoing,” despite the Section 89 Panel’s 2022 conclusion that Ramaphosa may have violated the Constitution.

Implications:

- This high-profile case has intensified perceptions of a two-tier justice system. The failure to prosecute undermines constitutional accountability and calls into question the NPA’s independence.

The NPA’s inertia on Phala Phala is symbolic of a broader institutional paralysis when politically connected figures are involved. It signals a failure to uphold equal justice under law.

VBS Mutual Bank Scandal

The 2018 looting and collapse of VBS Mutual Bank—affecting over R2 billion in public and private funds—devastated rural Limpopo communities, stokvels, and municipalities. A forensic report identified over 50 individuals for prosecution, including politically connected figures.

Key Failures by the NPA:

1. Delayed Prosecutions: Despite conclusive evidence, formal charges were only initiated in 2020, two years after the scandal broke.
2. Disjointed Strategy: Prosecutions were fragmented across provinces, weakening coordination and exhausting witnesses.
3. Limited Action on Politicians: Several implicated Limpopo ANC leaders remain politically active or uncharged, including Florence Radzilani and Danny Msiza.
4. Weak Internal Security: A leaked affidavit by VBS Chair Tshifhiwa Matodzi revealed serious lapses in case management.

Current Status (as of 2025):

Only 6 convictions have been secured. Many trials are still pending or delayed, and major political figures remain untouched.

Implications:

Public confidence in the justice system has been shattered in Limpopo. The delays suggest systemic incapacity—or unwillingness—to prosecute elite corruption. The VBS scandal remains a national embarrassment. The NPA’s failures in Limpopo reflect broader challenges in holding political elites accountable.

Rape Accusations Against Senior Prosecutor

In April 2025, a senior NPA official in Limpopo was arrested on 10 counts of raping a 13-year-old girl between 2022 and 2023.

Key Facts:

- Bail was denied on grounds of prima facie evidence, risk of witness tampering, and public interest.
- The case is postponed to June 2025 for further investigation.
- The accused held a senior prosecutorial role and remained in office during some of the alleged crimes.

Mpumalanga – Buried under incompetence and prosecutorial paralysis

Lily Mine Tragedy

In February 2016, a collapse at Lily Mine in Barberton trapped and killed three workers, whose bodies remain underground to this day. An inquest in 2023 found management negligence and widespread regulatory failure.

Key Failures by the NPA:

1. Failure to Act on Inquest Findings: Despite clear inquest recommendations in October 2023, the NPA has not decided on prosecutions.
2. Inaction on Corporate and State Negligence: Mine management and government departments have avoided criminal liability.
3. Silence in the Face of Protest: Despite continuous public and political pressure—including formal demands from ActionSA—the NPA has not advanced the matter.

Current

Status:

No charges have been filed. Families of victims and civil society continue to protest, demanding accountability and recovery of remains.

Implications:

The case illustrates the NPA's paralysis when confronting powerful corporate and state actors. The delay emboldens impunity and deepens trauma for victims' families.

The Lily Mine case has become a symbol of prosecutorial inertia. Without decisive action, the NPA risks losing all credibility in the eyes of the public.

Eastern Cape – The forgotten province where justice is denied to victims

The Eastern Cape has witnessed several disturbing instances where the National Prosecuting Authority (NPA) has failed to deliver justice, particularly for children and in high-profile corruption cases. The Matatiele area has become a flashpoint for public anger following a series of rape cases involving minors, where prosecutorial inaction and investigatory mishandling have drawn national condemnation.

Matatiele Child Rape at Thuthuzela Care Centre:

- In November 2024, prosecutors in Matatiele declined to pursue rape charges involving a minor who was allegedly assaulted at a Thuthuzela Care Centre, citing insufficient evidence.
- This decision was upheld by the Eastern Cape Director of Public Prosecutions (DPP), despite widespread outrage.
- Following national media coverage and protests in April and May 2025, the case was resubmitted to the DPP. However, as of June 2025, no prosecution has commenced.
- Civil society groups and activists have accused the NPA of failing survivors of gender-based violence by relying on flawed police dockets and not exercising prosecutorial discretion proactively.

The "Cwecwe" School Rape Case:

- In October 2024, a seven-year-old girl, referred to as "Cwecwe", was allegedly raped on school grounds in Matatiele.

- The incident sparked a national outcry under the banner of #JusticeForCwecwe, after it emerged that school authorities failed to act and that evidence was mishandled.
- Yet in May 2025, the NPA publicly announced it would not prosecute the case, again citing a lack of evidence.
- This decision echoed broader public concerns about the NPA's poor handling of sexual offences and unwillingness to challenge weak police investigations.

Fort Hare Corruption Scandal:

- The Eastern Cape NPA was harshly criticised for its lethargic and inconsistent response to extensive corruption at the University of Fort Hare, involving fraudulent procurement, ghost employees, and irregular contracts.
- Despite a multi-agency investigation implicating senior university officials and local government figures, the NPA failed to consolidate cases or bring swift charges.
- Several high-profile cases collapsed due to poor docket preparation, missed court deadlines, and key witnesses not being subpoenaed.
- These failures reflect systemic dysfunction and a lack of prosecutorial leadership in tackling complex corruption.

The Eastern Cape's prosecutorial landscape has become a symbol of institutional weakness and failed justice for society's most vulnerable—children and students. The NPA's inability to respond to legitimate public outrage and follow through on credible allegations has deepened public scepticism about the integrity of justice in the province. The call for external oversight and prosecutorial reform grows louder with each missed opportunity for justice.

Western Cape – Crippled by Gang Violence and Low Conviction Rates

The Western Cape, particularly the Cape Flats, is gripped by endemic gang violence, illegal firearms, and unsolved murders. While police visibility is often cited as a concern, the National Prosecuting Authority's failure to secure convictions has severely hampered efforts to restore community safety.

Firearm Conviction Rate Crisis:

- As of 2025, only 5% of illegal firearm charges lead to convictions in the Western Cape.
- This dismal rate is a crisis of prosecutorial performance, especially as illegal firearms are a primary enabler of gang violence in areas like Hanover Park, Manenberg, and Mitchells Plain.
- Experts point to poorly drafted charge sheets, weak cooperation between SAPS and prosecutors, and inexperienced junior prosecutors being assigned to complex gang cases.

High Levels of Unsolved Serious Crime:

- Over 60% of serious crimes in the Western Cape remain unsolved, according to SAPS data, with murder detection rates falling below 13%.
- As a result, many dockets sent to the NPA lack sufficient evidence for prosecution, leading to a high number of cases being declined or struck off the roll.
- The absence of prosecutorial intervention to guide police investigations compounds the problem—showing a breakdown in the criminal justice value chain.

Implications:

The inability to convict gangsters and violent criminals has contributed to a culture of impunity on the Cape Flats. The NPA's weaknesses have not only affected prosecution rates but also emboldened criminal networks who no longer fear legal consequences. Community trust in the justice system has eroded, while families mourn loved ones lost to violence with no closure or accountability.

The Western Cape's criminal justice crisis is not only about policing, but also about a prosecutorial system that is no longer fit for purpose in the face of violent organised crime. The NPA's failure to develop specialised prosecutorial units, pursue gang cases strategically, or retain experienced advocates has created a vacuum in justice. Urgent reform and a dedicated gang violence prosecution strategy are now non-negotiable if the Western Cape is to recover from the grip of lawlessness.

Conclusion

These are merely the high-profile examples of failure, countless other cases illustrate the shambolic state of the NPA country wide. It is high time that ultimate accountability is enforced, starting with the NDPP.

We call upon the Minister of Justice, as the Cabinet member responsible for Justice and Constitutional Development, to engage the President to exercise the powers afforded to him under Section 12 of the National Prosecuting Authority Act, and to initiate the formal process for the removal of the NDPP due to her extensive track record of failure.

A new NDPP must be appointed, someone capable of swiftly and effectively leading a renewal programme to restore public confidence in the institution.

ActionSA therefore calls on the Minister to respond to this request within seven days.

Recipient:

Signature

Full Name

Designation

Date

Submitting Organisation:

Signature

Full Name

Designation

Date