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SEEKING THE MAGIC BULLET

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The full weight of expectation of the country now rests on newly-appointed National Director of Public Prosecutions (NDPP), Advocate Shamila Batohi. Her appointment by President Ramaphosa on 4 December 2018, was received with both relief and hope that she will repair and lead the National Prosecuting Authority (NPA) into a future that is unsullied.

The question of course is that of whether the nation pins its hope - yet again - on “a fixer”, in the absence of the drive to engage systematic and urgent change. Advocate Batohi comes to the position with impeccable credentials and minus the taint of some of her predecessors but will have to contend with an already overflowing inbox; a team that is politically divided and a mission to rejuvenate credibility in the criminal justice system. All this, at a time when too many South Africans appear to be jaded. However, history has proven again and again that South Africans are a feisty lot - with opinions to match - and the new NDPP will receive ample advice even in advance of her assumption of duties in February 2019.

Advocate Batohi has a mammoth set of tasks ahead of her, not least to effect the vision of the NPA to ensure *“Justice in our society, so that people can live in freedom and security”* and crucially, to effect its mission, which is simple yet profound: *“Guided by the Constitution, we in the National Prosecuting Authority ensure justice for the victims of crime by prosecuting without fear, favour and prejudice and by working with our partners and the public to solve and prevent crime”*. This vision and mission were violated when the institution was captured, not in defence of country but in defence of former President Jacob Zuma and the multiple charges he was facing.

In addition to re-engendering a premium on the vision and mission of the institution, Advocate Batohi must provide the requisite leadership to the core business units of the NPA, which including the following:

- National Prosecutions Service (NPS)
- Asset Forfeiture Unit (AFU)
- Sexual Offences and Community Affairs (SOCA)
- Specialised Commercial Crime Unit (SCCU)
- Witness Protection Unit (WPU)
- Priority Crimes Litigation Unit (PCLU)

Each of these come with hefty responsibility - especially at a time when corruption, State capture, violence against women and criminality are so high on the national agenda. That these units be set on course, under divisional leadership that has the right skills and credentials for the job and are immune to effecting selective justice, will no doubt challenge Advocate Batohi’s management and leadership skills and style. She does not have the luxury of a blank slate but has inherited one that is scribbled on and scarred. Her tasks will be of correction and rewriting that which will rejuvenate trust and faith in the NPA.



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Much has been written about immediate tasks that the incumbent will have to brace for. These include the repair and rebuilding of a broken institution - and Advocate Batohi was clear in her interview that this was a priority. Deft management, coupled with values-based leadership, will be a high priority. There are of course key legacy issues that the NDPP will have to address without the luxury of time, including:

- The ongoing work of the Zondo Commission;
- Responding to the recommendations of the Nugent Commission's Report (due on 14 December), including the prospect of prosecuting those implicated in colluding in the attempted destruction of SARS; and
- Rebuilding relations between police, law enforcement agencies and prosecutors to ensure seamless investigations and finalisation of matters - which will in itself send a strong message that crime does not pay and justice can be predictable.

A clear challenge for the Advocate is also that of dealing with an organised criminal mafia that has carefully infiltrated organs of government and curried favour with politicians. Perhaps experience gleaned over a decade at the International Criminal Court (ICC) will stand Advocate Batohi in good stead in dealing with multi-national, multi-agency and vexed matters across jurisdictions.

The message must be unremitting: South Africa is not for sale and certainly not to criminal syndicates.

In conclusion and perhaps an issue for ongoing reflection, is that of a peculiar mindset amongst South Africans. They tend to look for the 'magic bullet', to place the weight of responsibility on the shoulders of the "untainted" and to seek out the saviour in human form. Perhaps this is partly due to human nature but lest we forget, the Constitution as supreme law of the land must remain the vital touchstone that protects and promotes dignity, equality and freedoms for all. The role of the NDPP is to give effect and meaning to these constitutional values.