



FW de Klerk
FOUNDATION

INTEGRITY AND OVERSIGHT IN SOUTH AFRICA'S LAW ENFORCEMENT

1994-2025

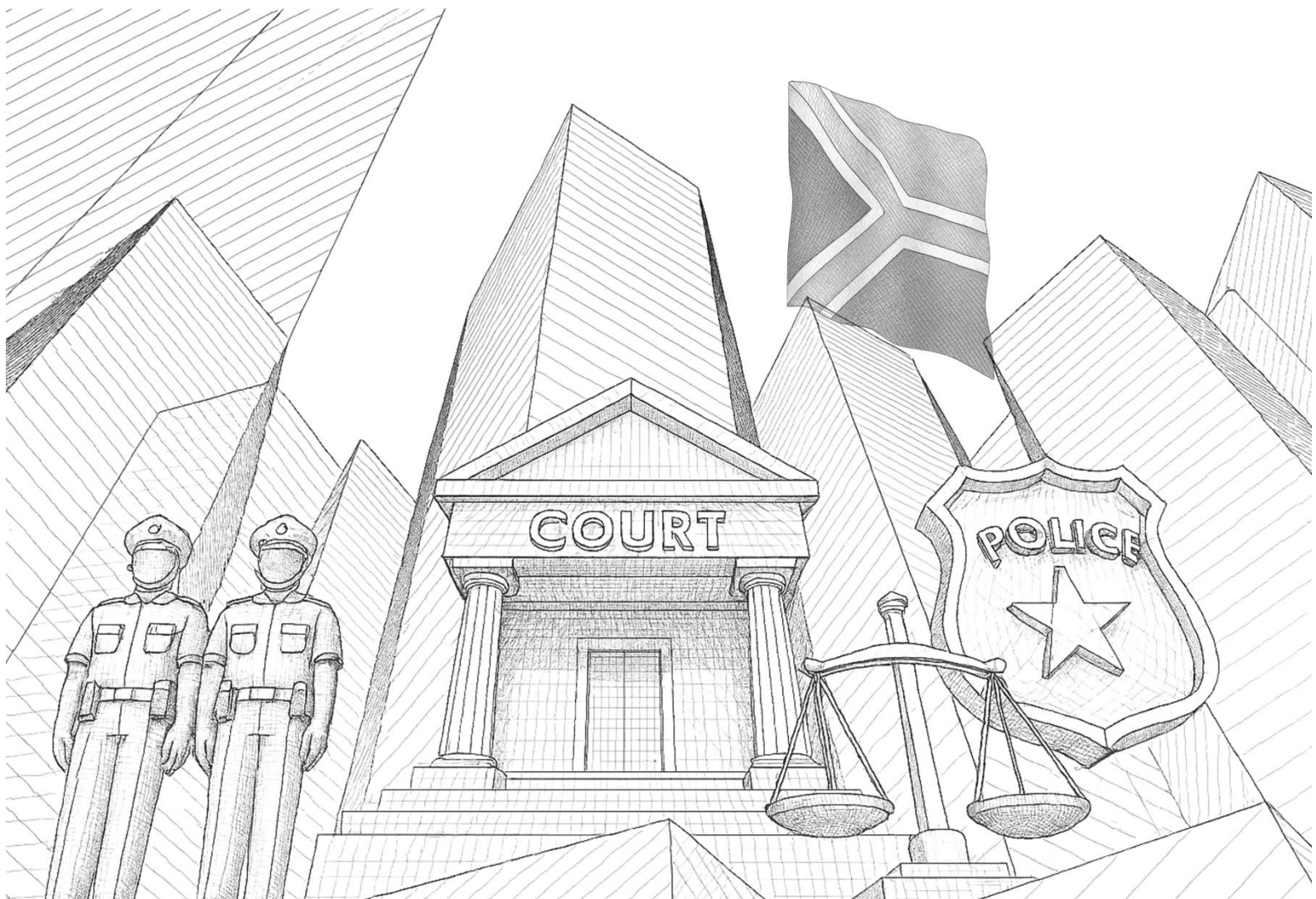


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CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

The [1996 Constitution](#) lays a foundation for accountable, independent law enforcement. [Section 205\(3\)](#) explicitly mandates that the **South African Police Service (“SAPS”)** must “*prevent, combat and investigate crime and maintain public order, to protect and secure the inhabitants of the Republic and their property and to uphold and enforce the law*”. Likewise, section 179(1)(b) gives the **National Prosecuting Authority (“NPA”)** the “*power to institute criminal proceedings on behalf of the State*” and perform any necessary prosecution functions. In other words, the NPA is charged with prosecution and the SAPS with policing, under the rule of law. The Constitution further guarantees independence for oversight bodies: for example, section 206(6) establishes the **Independent Police Investigative Directorate (“IPID”)** as an independent civilian complaints body for police. Chapter 9 institutions (like the Public Protector and Human Rights Commission) are also granted security of tenure, reflecting a constitutional value that such bodies must not be subject to executive whims.

At the same time, [the Constitution \(section 195\)](#) and subsequent legislation call for public-service appointments to be made on merit and to promote efficiency, accountability and transparency. For instance, [section 195\(1\)\(i\)](#) requires public administration to be broadly representative and based on merit. [The South African Police Service Act of 1995](#) and [National Prosecuting Authority Act of 1998](#) flesh out these constitutional mandates: they establish advisory boards, prescribe qualifications for office-holders and limit political interference. However, these safeguards have often proved inadequate in practice. As detailed below, successive holders of leadership positions in the SAPS and NPA have seldom served full fixed terms and many have faced allegations of misconduct. This pattern directly challenges the Constitution’s promise of **clean, impartial governance**. It also undermines [section 1](#)’s founding values (democracy, accountability, rule of law) and invites concern under [section 7](#), which binds the State to uphold constitutional obligations.

INSTITUTIONAL EVOLUTION SINCE 1994

In the immediate post-apartheid era, South Africa restructured its security agencies. The [ten former homeland police forces](#) were integrated into the new SAPS by 1995 and the [SAPS Act](#) formalised the national and provincial command structure. In 1998 Parliament created the NPA as a constitutionally mandated independent prosecuting authority. Initially, an elite [Directorate of Special Operations](#) (“Scorpions”) was established within the NPA with a broad mandate against corruption and organised crime. The Scorpions enjoyed a high degree of independence similar to a Chapter 9 body. However, they were controversially **disbanded in 2009** by [Act of Parliament](#). This gave rise to the current **Directorate for Priority Crime Investigation (the Hawks)**, placed under SAPS to inherit the Scorpions’ work. The **Independent Police Investigative Directorate (“IPID”)** was instituted by [the Independent Police Investigative Directorate Act of 2011](#). A **Special Investigating Unit (“SIU”)** was already provided for in the Constitution (section 179(2)), though it is [housed in the Presidency](#) and its focus is broader corruption, not specifically police.

In short, the post-1994 reforms created a multi-layered framework for fighting crime and corruption: police (“SAPS”), prosecutors (“NPA”), an anti-corruption unit (“Hawks”) and oversight bodies (“IPID”, “SIU”, Public Protector, etc.). **In theory**, this *should* deliver checks and balances. **In reality**, constant institutional change - especially the relocation of anti-corruption capacity - has been accompanied by instability and politicisation. For example, even after the Scorpions were closed, the courts have pressed the government to ensure that any new investigation unit meets the [STIRS criteria](#) (Specialised, Trained, Independent, Resourced, Secure tenure) as articulated in [Glenister v President](#). Yet all three legislative regimes for the Hawks (pre-2009, 2010–2012 and post-2012) have left them structurally within SAPS and vulnerable to influence. The net effect is a patchwork system that, despite constitutional promises, has often failed to insulate its leaders from undue interference or consequence for misconduct.

NATIONAL PROSECUTING AUTHORITY AND LEADERSHIP INSTABILITY

Now, by constitutional design, the NPA is headed by a **National Director of Public Prosecutions (“NDPP”)** appointed by the President for a single 10-year term. In practice, no NDPP has ever completed a decade. The Parliamentary Joint Standing Committee on Intelligence (“JSOC”) [reported in 2021](#) that “no NDPP has ever served his full ten-year term”. Of the five permanent NDPPs appointed between 1998 and 2019, [two were removed](#) following political fallout and subsequently had their appointments invalidated by courts (Pikoli in 2008 and Simelane in 2010).

Another (Mxolisi Nxasana, 2013-2015) [was forced out](#) in 2015 with a R17 million payout, after internal probes and ministerial pressure. His successor, Shaun Abrahams (2015-2018), similarly left under a cloud when his appointment was invalidated by the [Constitutional Court](#) in 2018. Finally, Shamila Batohi (appointed 2019) is the first NDPP to possibly complete a full term when she reaches retirement age in January 2027 - and only then under intense public and judicial oversight.

The outcome is a remarkable turnover: from Pikoli’s suspension in 2008 to Batohi’s appointment, there have been **six** NDPPs (including acting) in 20 years. This instability has often coincided with high-profile corruption cases. For example, the suspension of NDPP Pikoli in 2007 immediately followed his [investigation](#) of then-Police Commissioner Jackie Selebi. Pikoli was removed before the Selebi case could proceed to conclusion. Likewise, political pressure in the Zuma era led to rapid changes at the NPA, undermining prosecutorial independence. [Some have noted](#) that the shifting leadership “has created a perception of political interference” in the prosecution service. Put bluntly: the body entrusted by the Constitution with prosecuting criminals has itself been the subject of repeated legal battles and executive fiat.

TIMELINE: NATIONAL DIRECTORS OF PUBLIC PROSECUTIONS (1998-2025)

NDPP	Term Start	Term End	Duration	Reason for Departure
Bulelani Ngcuka	Aug 1998	Jul 2004	~6 years	Resigned before term end amid controversy over the Zuma matter
Vusi Pikoli	Feb 2005	Sep 2007	~2,5 years	Suspended and later removed following investigation of Jackie Selebi
Menzi Simelane	Nov 2009	Oct 2012	~2 years	Appointment invalidated by Constitutional Court
Mxolisi Nxasana	Oct 2013	May 2015	~1,6 years	Resigned under pressure, received R17 million golden handshake
Shaun Abrahams	Jun 2015	Aug 2018	~3,2 years	Appointment invalidated by Constitutional Court
Shamila Batohi	Feb 2019	Jan 2026	7 years (to be completed due to retirement age)	On track to complete full term - first NDPP to do so , under scrutiny

NATIONAL DIRECTORS OF PUBLIC PROSECUTIONS (1998-2025)



Shaun Abrahams 2015 - 2018

Appointment invalidated by
Constitutional Court

Shamila Batohi 2019 - Present

On track to complete full
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Menzi Simelane 2009 - 2012

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controversy over the Zuma
matter

Mxolisi Nxasana 2013 - 2015

Resigned under pressure, received
R17 million golden handshake

SAPS COMMISSIONERS AND TURNOVER

A similar pattern holds for the **SAPS National Commissioners**. Since 1995 there have been nine individuals (including acting appointments) leading the SAPS, yet aside from the current term of Gen Fannie Masemola, none has served a full constitutional term.

Key examples illustrate the crisis:

- **Gen Jackie Selebi (2000-2008)** was [convicted of corruption](#) and removed from office. He was indicted in 2007 and by 2008 he had been suspended as

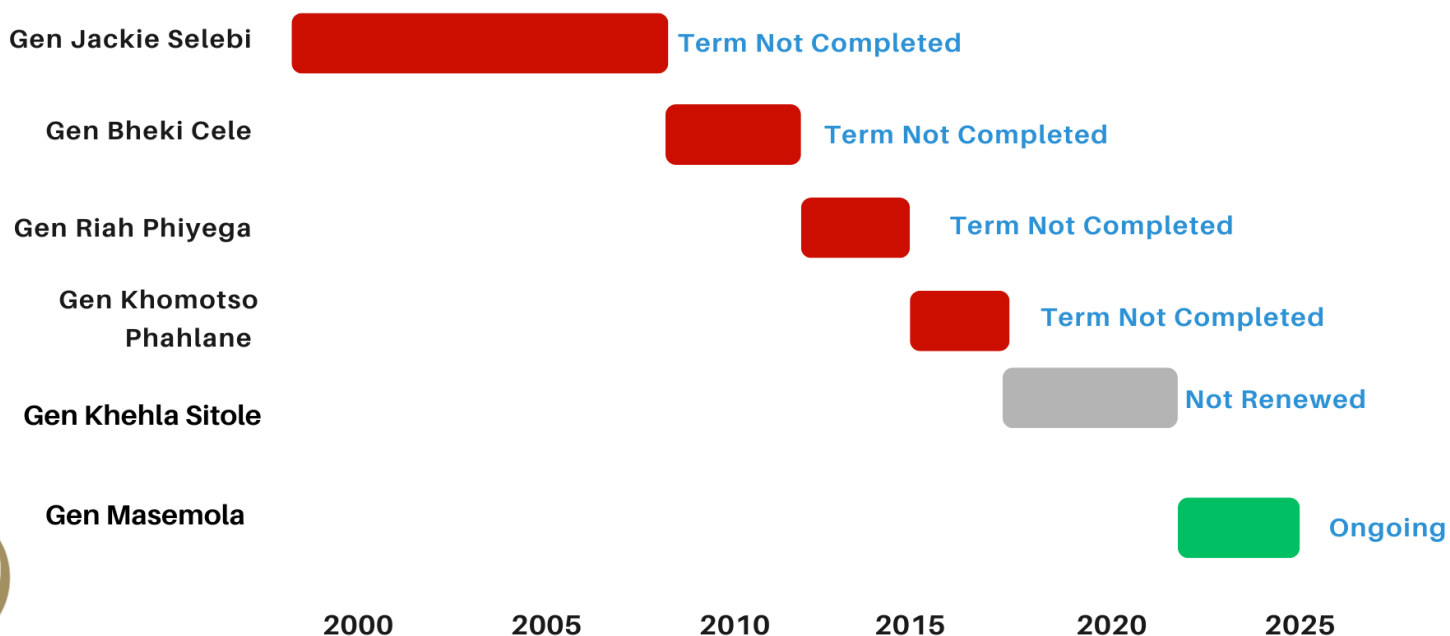
commissioner, revealing deep ties to organised crime. He was sentenced to 15 years' imprisonment.

- **Gen Bheki Cele (2009-2011)** was suspended by President Zuma after the Public Protector found his lease agreements improper and unlawful. A Board of Inquiry [concluded](#) that Cele's conduct as accounting officer was "unlawful" and "fatally flawed," leading to his dismissal. Major-General Nhlanhla Mkhwanazi became acting commissioner in late 2011.
- **Gen Riah Phiyega (2012-2015)** (the first female commissioner) was [suspended](#) in mid-2015 after a commission of inquiry into the Marikana massacre criticised her leadership. She left office under suspension.
- **Gen Khomotso Phahlane (acting 2015-2017)** was charged in 2017 with fraud and corruption (related to a bogus investigation docket) and was [ultimately dismissed](#).
- **Gen Lesetja Mothiba (acting 2017)** held office for only a few months.
- **Gen Khehla Sitole (2017-2022)** served the longest since apartheid, but even he left six months short of a full five-year term (his contract was [not renewed](#) by President Ramaphosa in early 2022).

Even current Commissioner Masemola (2022–present) is operating amid controversy and has not yet faced a full five-year review.

SAPS COMMISSIONERS AND TURNOVER

TERM OF OFFICE OF NATIONAL POLICE COMMISSIONERS FROM 2000 TO PRESENT



PROVINCIAL POLICE COMMISSIONERS

Provincial Commissioners have likewise faced many scandals. [Notable cases](#) include Western Cape's **Arno Lamoer**, who was convicted and imprisoned for corruption in 2018 and former KwaZulu-Natal Commissioner **Mmamonnnye Ngobeni**, who faced [corruption charges](#) in 2020 (related to World Cup stadium contracts). **These examples show that the problem is not limited to national leaders.**

In KwaZulu-Natal, the issues have been particularly acute. Lt-Gen Nhlanhla Mkhwanazi, who served as acting National Commissioner in 2011-2012, has been KZN's Commissioner for several years. [He is widely regarded](#) in some communities as a tough crime-fighter. However, in [early July 2025](#) he stunned the country by publicly accusing the police ministry and minister of involvement in corruption. He claimed that the Minister of Police **Senzo Mchunu** took bribe payments from a crime syndicate and forced the dismantling of a police task team investigating politically connected assassinations. **These are explosive allegations: Mkhwanazi says he has opened a criminal case against the minister and others and that senior officials have been obstructing investigations into organised crime.**

The national leadership [has called](#) this situation "unprecedented." On July 14, National Police Commissioner Masemola [told Parliament](#) that "*the current state of affairs is unprecedented and requires uncompromising intervention*". Indeed, even as Ramaphosa moves to address the crisis (see below), this episode has exposed deep mistrust in law enforcement. (For context, [an IPID investigation](#) into Mkhwanazi's own conduct -over a state tender - was dropped after public outcry. The mixed perception of him illustrates the complexity of the crisis.)

At a minimum, Mkhwanazi's case underlines how a provincial boss can become entangled in politics and accusations. It also means that even at provincial level, very few top cops have completely clean records.

DIRECTORATE FOR PRIORITY CRIMES

(“THE HAWKS”)

After the Scorpions were disbanded in 2009, the **Hawks** (formally the DPCI) took over high-end anti-corruption investigations. The Hawks have been subject to similar controversies. In 2013 Berning Ntlemenza was appointed national head of the Hawks, but a year later a court declared his appointment [unlawful and invalid](#) (finding political interference in his selection). He ultimately stepped down in 2015 under a cloud.

[Constitutional lawyers](#) have stressed **that such investigative units must meet strict independence criteria**. The Constitutional Court in [Glenister II](#) insisted that any anti-corruption investigators be “**STIRS**”-compliant: Specialised, Trained, Independent, Resourced in a guaranteed fashion and secure in tenure. In other words, they should be housed outside normal political channels (ideally as Chapter 9 bodies).

South Africa’s implementation has fallen short. The Hawks remain within the SAPS hierarchy and their independence can be overridden by the Police Minister under ordinary legislation. Indeed, the [Glenister](#) court has twice rebuked Parliament for failing to adequately protect corruption investigators. Despite court warnings, the Hawks have no guaranteed security of tenure and have suffered leadership turmoil.

As with the NPA and SAPS top brass, the frequent turnover in the Hawks’ leadership undermines their effectiveness. For our purposes, the key point is that the body meant to pursue high-level corruption has been, on multiple occasions, subject to politically tainted appointments and budget cuts. This history must be part of our analysis of why state corruption went largely unpunished for years.

SCORPIONS

VS

HAWKS

Successes:

- Achieved an impressive 82–94% conviction rate overall.
- Between 2001–2007:
 - Completed 653 cases by Feb 2004 with a 93.1% conviction rate, and between 2005–2007 delivered 85% conviction rate; they seized over R1 billion in assets in that period.
- **Targeted major corruption:** led high-profile investigations even of senior ANC figures like Tony Yengeni, Shabir Shaik, Jackie Selebi, Jacob Zuma.

Shortfalls:

- Perceived politicisation and leaks drew criticism and accusations of overreach.
- Disbanded in 2009 in the wake of political pressure, despite controversy.

Successes:

- 2024–25 Q4: 656 suspects arrested (607 individuals + 49 entities), yielding 239 convictions (157 for organized crime, 73 for commercial crime, 9 for corruption).
- 2023–24 Achievements: 547 suspects appeared in court; 182 convictions (84 organized crime, 61 commercial, 37 corruption); seized 736 firearms, 1159 ammunition, 69 explosives.
- The total success rate for recent year: ~1,770 closed cases including arrests, convictions, and asset seizures.

Shortfall:

- Dramatic decline in outcomes post-2009: arrests fell ~60%, convictions dropped ~83% from Hawks era compared to late Scorpions.
- Constitutional Court flagged lack of independence; Hawks are structurally vulnerable to political interference.
- Frequently criticized for pursuing lower-level crime over high-profile corruption, raising concerns about focus and mandate clarity.

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE ("IPID")

The IPID is the civilian watchdog over police misconduct. It was created under section 206(6) of the Constitution to be "independent" of SAPS. In practice, however, its head has repeatedly clashed with the executive. [A telling incident](#) occurred in 2015: then-IPID Executive Director Robert McBride was suspended by Police Minister Nathi Nhleko over a controversial investigation. McBride challenged this in court, arguing that the Minister had no power to suspend him without safeguards.

The courts agreed. In *McBride v Minister of Police* (2016), the Constitutional Court ruled that the IPID Act's suspension clauses were unconstitutional because they violated section 206(6)'s guarantee of independence. [The court held](#) it was unconstitutional for statute to grant the Minister of Police the power to suspend, discipline, or remove the IPID head. The Minister's action was set aside and Parliament was obliged to amend the law to require parliamentary approval for removal.

Since then, IPID heads have changed through normal processes. But IPID's capacity remains limited relative to its mandate. Investigators are few, budgets are tight and the unit covers all police misconduct (a heavy load). Official statistics show that IPID investigates thousands of cases per year, but convictions of officers are rare. Thus, while IPID exists on paper and now has firmer protections post-*McBride*, its practical impact has been modest..

In short, although the Constitution and courts have secured IPID's formal independence, its effectiveness has been blunted by resource constraints and ongoing political pressure. The fact that even IPID's own leadership has been subject to disputes highlights the very depths of this institutional frailty.

ANTI-CORRUPTION ARCHITECTURE (LIKE “NACAC”, “NACS”, ETC)

Recognising these systemic problems, successive governments have endorsed broad anti-corruption frameworks. In 2020 the Presidency published the [National Anti-Corruption Strategy \(“NACS”\)](#) for 2020-2030, a “whole-of-society” plan envisaging an ethical state and empowered citizenry. In support of NACS, President Ramaphosa in 2022 appointed a **National Anti-Corruption Advisory Council (“NACAC”)** - a multi-sectoral advisory body chaired by Professor Firoz Cachalia. [NACAC's mandate](#) is to advise on implementing NACS and on designing new anti-corruption institutions. In November 2023 the Presidency held a [National Anti-Corruption Dialogue](#), explicitly involving officials working on Zondo Commission

recommendations. **This shows that the state is at least formally acknowledging the problem.**

However, NACAC and civil society have complained that implementation has been slow. In late 2024, the Civil Society anti-corruption forum [Corruption Watch reported](#) that NACAC's mid-term recommendations included creating a **constitutional anti-corruption commission**. Specifically, the council envisaged a Chapter 9 (or 10) body with its own investigators and with "powers of entry and search (with or without warrant)", subpoena power and secure tenure. It proposed subsuming existing bodies (like the SIU) into this new commission, giving it a broad mandate to detect and pursue corruption. In effect, NACAC [and experts](#) have said what Hoffman SC and others have long argued: only an **independent, well-resourced corruption-fighting agency** outside the ordinary executive structure will meet the STIRS criteria.

In contrast, in mid-2023 the government floated an **Investigating Directorate Against Corruption ("IDAC")** to be housed in the NPA. This move was widely [criticised](#). Analysts note that placing IDAC inside the Justice Department would leave it subject to the same budgetary and political pressures that afflicted the pre-2009 era. It was pointed out that the IDAC legislation did *not* provide for guaranteed funding or security of tenure, meaning it could easily be dismantled by a simple majority in Parliament (just as the Scorpions were). In short, the IDAC proposal did not meet the **STIRS** criteria - with no guaranteed independence or resources, it would not insulate investigators from influence. This criticism echoes the Constitutional Court's insistence decades earlier: any anti-corruption unit must be **"independent"** and properly resourced.

At present, then, the country has powerful concepts on paper but weak instruments in reality. [NACAC's dialogue notes](#) emphasise that South Africa's corruption strategy is a "whole-of-society effort" requiring zero tolerance, but the institutions to uphold it are still being debated. The **solution thread** is becoming clear: reinforce constitutionalism by creating genuine, permanent, independent integrity commissions - and, critically, ensuring their personnel are appointed on merit rather than patronage. Before recommending specifics, it is instructive to recall how deep the crisis has become.

STATE CAPTURE AND SYSTEMIC INTERFERENCE

The **State Capture Commission (2018-2022)** chronicled how corruption hollowed out every branch of government - including law enforcement. Its report [made stark findings](#): the SAPS, NPA and even intelligence agencies “*were deliberately weakened*” to protect looters. Organised “cadre deployment” and political meddling in promotions and appointments were a hallmark of this period. [The Commission's recommendations](#) were equally clear: rebuild and strengthen law enforcement institutions, **end political interference in senior appointments**, restore the independence and credibility of oversight bodies and prosecute those implicated in state capture. In other words, we already know the needed reforms.

Unfortunately, most of Zondo’s actionable recommendations have not been implemented. [Critics observe](#) that instead of strengthening anti-corruption agencies, the government has often engineered new structures under political control (like repeated reshuffles of the NPA that align with party factions). The upshot is that much of the architecture erected after 1994 (the NPA, Hawks, IPID, SIU, etc) has not been allowed to function in the spirit intended by the Constitution and by Zondo’s warnings. **South Africans therefore rightly ask why another commission of inquiry is needed if existing laws and institutions were never properly enforced.**

The Zondo commission in numbers



159

Applications for leave to cross-examine and/or lead evidence



+300

Witnesses who testified



+400

Hearings of evidence and procedural hearings



1 380

Requests for information by way of **writing**



1 438

People and entities implicated by testimony



+3 099

Rule 3.3 **notices** issued to implicated persons



3 171

Copies of **summons** to compel witnesses to appear



75 099

Pages of transcribed **oral evidence**



1 731 106

Pages of **documentary** evidence



8 655 530

Pages of documentary evidence printed for public hearing purposes

Source: Judicial Commission of Inquiry into State Capture

Graphics24

As of July 2025, no high-profile prosecutions have resulted directly from the Zondo Commission's findings despite its extensive scope and recommendations

Summary:

Individuals implicated:

-1,438

Shortfalls

(to date)

Major prosecutions resulting:

0

2025 SAPS CRISIS AND COMMISSION OF INQUIRY

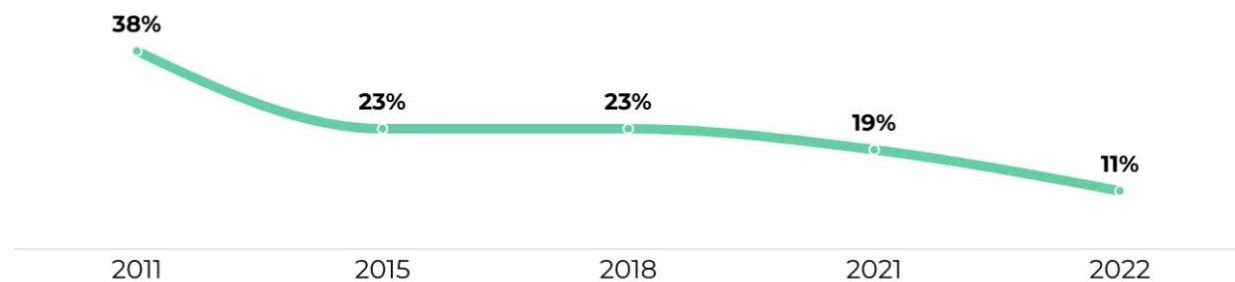
The events of July 2025 have thrust these issues into the open. [On 6 July 2025](#), KZN Commissioner Mkhwanazi held a dramatic press conference inferring that the Police Minister, Senzo Mchunu, received bribe payments from a crime syndicate and had deliberately obstructed a criminal investigation. The accusation was that the Police Minister disbanded a murder-investigation team to protect powerful suspects. President Ramaphosa **suspended** Minister Mchunu “with immediate effect” and announced a high-level commission of inquiry. The commission, [to be chaired by an](#)

[Acting Deputy Chief Justice](#), was tasked with *investigating “the role of current or former senior officials... who may have aided or abetted the alleged criminal activity... or benefited... from a syndicate’s operations”*. In short, Ramaphosa explicitly cited restoring accountability and the rule of law as objectives in response to the crisis.

Prof Firoz Cachalia (chair of NACAC, see *above*) has been appointed Acting Minister of Police and will oversee the SAPS while the commission operates. [In his address](#), Ramaphosa said this commission is being established “against the backdrop of significant progress in rebuilding and strengthening our country’s law enforcement agencies”. Public statements by government have emphasised that this inquiry is about justice, not politics. Nonetheless, opponents of the ANC [have noted](#) that Ramaphosa’s solution is essentially another round of investigation, not the immediate firing of implicated individuals.

What does this mean for our analysis? First, it underscores the pervasive **distrust** in the system. The very facts that the Minister of Police was forced onto leave suggest that multiple senior figures are now under scrutiny.

Second, these events highlight the **gap between aspiration and reality**. The government’s own statements affirm the need to “restore the independence and integrity” of law-enforcement agencies. Yet the fact that a police chief had to go public with evidence of syndicates indicates that existing oversight was insufficient. The President’s comments emphasise ensuring agencies “continue to function without hindrance as the commission undertakes its work”, implying a return to normalcy after this inquiry. The role of society now is to ensure that “without hindrance” does not mean “without reform.” In other words, we must not allow the status quo to simply resume once headlines fade.



Respondents were asked: How well or badly would you say the current government is handling reducing crime, or haven't you heard enough to say? (% who say "fairly well" or "very well")

Source: <https://www.afrobarometer.org/publication/ad836-south-africans-view-of-police-marred-by-pervasive-corruption-lack-of-professionalism/>

INTERNATIONAL COMPARISONS

For context, many countries have struggled with law enforcement independence. Some have instituted hybrid or external commissions. For example, [Hong Kong's Independent Commission Against Corruption](#) ("ICAC"), established in 1974, operates with constitutional safeguards and broad powers - a model often cited by South African reformers (though we do not specifically endorse any foreign model here). In Guatemala, a [United Nations-backed International Commission against Impunity](#) ("CICIG") helped rebuild the prosecution service after years of impunity, though it ultimately fell victim to politics. Even some developed democracies face issues: Italy's anti-mafia prosecutors have [sometimes complained](#) of political interference and [recent debates](#) in the US about DOJ independence echo similar tensions.

The lesson internationally is that **institutional design matters**. Where overseas reforms have stuck, they often combine

- (1) secure tenure for investigators,
- (2) independent funding,
- (3) transparent appointment processes with multi-party input and
- (4) strong legal frameworks.

[For example](#), some countries require approval by judicial panels for top prosecutors, or allow parliament to veto executive removals. These measures could inform our recommendations.

In practice, however, South Africa's **political culture** (including norms of cadreship and patronage) differentiates it from many other contexts. Thus, any foreign comparison must be adapted to local circumstances. Nevertheless, South Africa can draw on such examples to show that alternatives exist to the current "hire-and-fire" dynamic.

RECOMMENDATIONS AND SOLUTIONS

Merit-based appointments.

A core problem is that senior positions have often been awarded on political grounds. The Constitution envisages appointments on competency (section 196), but this has not consistently happened. We recommend that clear, transparent criteria be legislated for appointments to the NPA, SAPS and related bodies. Candidates should be vetted by independent panels (for example, joint panels of judicial officers, civil society representatives and professional associations) before the President finalises appointments. Any promotion or termination of a National Commissioner or NDPP should require approval by Parliament (through the section 194 removal process) or by the courts, not just by executive decree. This would align with

constitutional requirements of good governance (section 195) and with public-service law.

Constitutional entrenchment of anti-corruption agencies.

Both the [Glenister judgments](#) and [NACAC's proposals](#) suggest that the country needs a **permanent, Chapter 9-type Anti-Corruption Commission**. We should push for an amendment (or new legislation accompanied by a Constitutional Court ruling) to create such a body. It would replace or incorporate the SIU, IPID and any ephemeral directorates. It should have a multi-member leadership with fixed, staggered terms (like the Public Protector) to prevent wholesale purging. Its appointment process should involve Parliament and independent inputs and its budget should be secured by statute (e.g. a fixed percentage of national revenue). **Notably, without constitutional protection such agencies can be abolished at will.**

Strengthening oversight and accountability.

In the short term, existing mechanisms can be improved. The National Assembly's Portfolio Committees (Justice, Police) should hold more frequent hearings on head-of-agency performance, including named executives. The National Prosecuting Authority should implement more robust conflict-of-interest checks (for example, current law could be amended so that any DA investigating a colleague, or any official whose close relative was investigated, must disqualify themselves). Whistle-blower protections (as in the [Protected Disclosures Act of 2000](#)) should be vigorously enforced so that honest officers can report meddling without fear. The IPID should be given a secure ring-fenced budget and adequate staffing.

Implement Zondo's recommendations.

The State Capture Commission's detailed proposals for law enforcement deserve urgent action. In particular, all those implicated in obstructing justice (per Zondo's findings) should face investigations and prosecutions by unconflicted authorities. The Constitution envisages the Judicial Service Commission's role in vetting judges and prosecutors and we suggest that it takes an even more active stance by inviting

complaints against any judge or prosecutor seen as part of the problem. Moreover, Parliament should utilise the [Witness Protection and Special Tribunals Bill](#) to speed up trials of high-level corruption cases, reducing delays of the sort the Zondo report lamented.

Leverage civil society and regional partnerships.

Engagement with international bodies (for instance, submitting reports to the [UN Convention against Corruption](#)) can maintain pressure on the government. While full “outside” control of any domestic agency is politically fraught, targeted technical assistance and secondments, like veteran anti-corruption investigators from other democracies working under SAPS oversight, could improve capacity and signal seriousness.

Culture and training.

Finally, substantive reforms must be accompanied by a cultural shift within security agencies. [The National Peace Accord of 1994](#) and lessons from the transition teach us that dialogue and integrity can transform even bitter adversaries. Police training should emphasise constitutional policing and human rights and codes of conduct must be strictly enforced at all levels (with truly independent disciplinary boards).

Cadre deployment policies should be reversed in favour of career meritocracy.

Many of these changes hinge on political will: if top leaders (including the President) demonstrate that no one is above the law, lower-level officials will follow suit.

Throughout all proposals, our **golden thread** is clear: institutions must be built or rebuilt *in accordance with the Constitution*, not party interests. This means embedding independence in law and practice. To return to constitutional values we need a “*high standard of professional ethics*” and “*impartial, fair and efficient*” administration.

CONCLUSION

In the years since 1994, South Africa’s law enforcement and justice institutions were intended to break the cycle of impunity. Instead, as our review shows, almost every

top appointment in those bodies has been cut short by scandal or suspicion. What began as high hopes for clean policing and prosecution has often devolved into **trust deficits** that feed criminality and erode public confidence. This report has documented the constitutional mandates, the historical patterns of failure and the emerging crisis of July 2025. It has also pointed toward a solution-focused path.

The citizens of South Africa must now insist that this path be followed. Law enforcement agencies can only regain legitimacy if they operate transparently and independently - true to the letter and spirit of the Constitution. That will require structural reforms, like especially creating genuine independence for corruption fighters, procedural safeguards such as merit-based appointments and parliamentary oversight and political resolve. We cannot content ourselves with speeches about clean government. Concrete steps must be taken so that the caricature of impunity gives way to the reality of accountability.

In South Africa's democratic order, there is no place for a "parallel state" of corrupt officials. The rule of law is not self-executing. It must be upheld by courageous institutions and citizen oversight. As we have seen from the State Capture Commission, we must act on what we already know. The evidence is clear. If we allow the pattern of premature departures and hidden agendas to continue, we betray the Constitution. Conversely, if we implement the reforms outlined here, we can honour both the legacy of 1994 and the promise of our constitutional democracy. **That is the voice of reason** the FW de Klerk Foundation will continue to champion.

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