

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
(HELD AT BRAAMFONTEIN)**

CASE NO: CCT 205/25

In the matter between:

JACOB GEDLEYIHLEKISA ZUMA	FIRST APPLICANT
UMKHONTO WESIZWE PARTY	SECOND APPLICANT

and

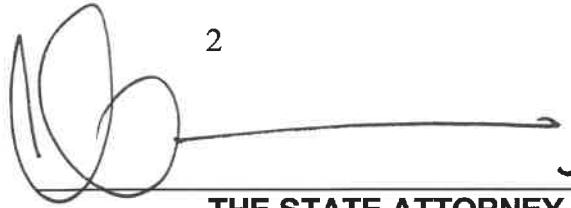
PRESIDENT CYRIL MATAMELA RAMAPHOSA	FIRST RESPONDENT
MINISTER SENZO MCHUNU	SECOND RESPONDENT
MINISTER GWEDE MANTASHE	THIRD RESPONDENT
ACTING MINISTER (DESIGNATE)	
FIROZ CACHALIA	FOURTH RESPONDENT
JUSTICE MBUYISELI MADLANGA ACDJ	FIFTH RESPONDENT

FILING NOTICE: FIRST RESPONDENT'S ANSWERING AFFIDAVIT

BE PLEASED TO TAKE NOTICE that the Respondent hereby presents the following documents for filing: -

1. First Respondent's Answering Affidavit

**DATED AND SIGNED AT PRETORIA ON THIS THE 23RD DAY OF JULY
2025.**

2


THE STATE ATTORNEY, PRETORIA
ATTORNEYS FOR FIRST RESPONDENT
316 SALU BUILDING
CNR THABO SEHUME & FRANCIS BAARD
GROUND FLOOR
ENTRANCE AT THABO SEHUME
PRIVATE BAG X 91
PRETORIA
REF: 2686/2025/Z42
TEL: (012)309-1670
DIRECT FAX: 086 431 8821
E-MAIL: LuGumede@justice.gov.za
ENQ: MR KL GUMEDE

**TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
BRAAMFONTEIN**

AND

TO: T MPUMLWANA & ASSOCIATES
ATTORNEYS FOR THE 2ND APPLICANT
SUITE NO.3
450 CHE GUEVARA ROAD
BEREA
DURBAN
TEL: 031 003 2966
CELL: 067 920 9682
EMAIL: thinam39@gmail.com
C/O MABUZA ATTORNEYS
1ST FLOOR, 83 CENTRAL STREET
HOUGHTON
JOHANNESBURG
TEL: 011 483 2387/0476
EMAIL: eric@mabuzas.co.za

AND

TO: KMNS INC
ATTORNEYS FOR THE 1ST APPLICANT
43 WIERDA ROAD WEST
WIERDA VALLEY
SANDTON
2196

TEL: 011 462 5589

EMAIL: thabo@kmnsinc.co.za

busiwe@kmnsinc.co.za

lavesani@kmnsinc.co.za

REF: Mr. Kwinana/Ms. Sibiya/ Mr Ncube

COPY RECEIVED ON:

DATE:

TIME:

**_____
APPLICANT'S ATTORNEY**

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
(HELD AT BRAAMFONTEIN)

CASE NO: CCT 205/25

In the matter between:

JACOB GEDLEYIHLEKISA ZUMA First Applicant

UMKHONTO WESIZWE PARTY Second Applicant

and

PRESIDENT CYRIL MATAMELA RAMAPHOSA First Respondent

MINISTER SENZO MCHUNU Second Respondent

MINISTER GWEDE MANTASHE Third Respondent

ACTING MINISTER (DESIGNATE) FIROZ CACHALIA Fourth Respondent

JUSTICE MBUYISELI MADLANGA ACDJ Fifth Respondent

FIRST RESPONDENT'S ANSWERING AFFIDAVIT

I, the undersigned

MATAMELA CYRIL RAMAPHOSA

hereby state under oath:

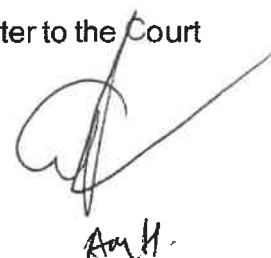


AmH

1. I am the President of the Republic of South Africa. I am the Head of State and the Head of the National Executive in terms of section 83(a) of the Constitution of the Republic of South Africa, 1996 (“**Constitution**”). I am the first respondent in this application.
2. The contents of this affidavit are true and correct and, unless the context indicates otherwise, within my personal knowledge. Where I make submissions of a legal nature, I do so on the advice of my legal representatives, which advice I accept as correct.

INTRODUCTION

3. I have read the founding affidavit deposed to by Mandlakayise John Hlophe on behalf of the applicants. This affidavit has had to be prepared under extremely urgent time constraints. I received the application from the State Attorney on Friday, 19 July 2015 and then needed to urgently brief counsel.
4. My counsel team were secured between Sunday, 20 July and Monday, 21 July 2025. I then gave instructions to the counsel team after over the course of Tuesday, 22 July and received the first draft of this affidavit in the evening of Tuesday, 22 July. Revisions were made to the affidavit overnight of 22 July and I managed to depose to the affidavit on 23 July 2025 in order to file it with the Court on 23 July. Although the directions of the Court required me to do so on 22 July that was not possible given what I have set out above. I therefore addressed a letter to the Court



Am H.

on 22 July 2025 explaining the situation and the fact that I would seek condonation for the delay in filing this affidavit. A copy of the letter is attached as "**AA1A**"

5. I regret the delay of one day but it was simply not possible for me and my lawyers to finalize the affidavit before then. I therefore seek condonation for the delay in filing this affidavit.
6. While I have endeavored to deal with the allegations as fully as I can in the time available, I reserve the right to supplement this affidavit if it is required in order to place the full facts before the Court.
7. The applicants challenge the lawfulness of three related decisions, which I announced on 13 July 2025:
 - 7.1. The decision to establish a judicial commission of inquiry to investigate allegations made by Lieutenant-General Nhlanhla Mkhwanazi ("**Lt-Gen Mkhwanazi**") of collusion between organized crime syndicates and public office bearers. Those implicated include the second respondent, Minister Mchunu, who is the Minister of Police;
 - 7.2. The decision to place Minister Mchunu on a leave of absence. A copy of President's Act 250 of 2025 placing Minister Mchunu on leave of absence is attached as "**AA1**"; and
 - 7.3. The decision to appoint the fourth respondent, Professor Cachalia, as the Acting Minister of Police.



Am. K.

8. Where I make reference to these decisions collectively, I refer to them as “**the impugned decisions**”.
9. The facts underlying the applicants’ case are, for the most part, common cause. What is at issue before this Court is the nature and scope of my powers, *inter alia*, to see to it that serious allegations that threaten the integrity and credibility of our law enforcement structures are comprehensively investigated, and that while that investigation is underway, the fight against crime and corruption may continue unabated.
10. In this affidavit, therefore, I address the underlying rationale for the impugned decisions, and the nature and scope of my powers to act as I have done. As I address below, the applicants ask this Court to draw inferences of impropriety and favoritism where none exists. They do so in a transparent attempt to score political points against me. Stripped of conjecture, however, the application does not make out a case for the relief sought and the application stands to be dismissed.

JURISDICTION

11. The applicants attempt to characterize this case as one of a failure by me to fulfil my constitutional obligations as President, in order to invoke the exclusive jurisdiction of this Court in terms of section 167(4)(e) of the Constitution. This case is not, however, in substance one about an alleged failure to fulfil my constitutional



A.M. H.

obligations; it is a challenge to the impugned decisions because the applicants disagree with them.

12. In essence, the applicants' case is that they differ from me about the manner in which I have elected to manage the investigation of the allegations made by Lt-Gen Mkhwanazi, and the leadership of our law enforcement agencies while that investigation is underway. While I do not dispute that the applicants have a right to argue that my conduct is irrational, I do dispute that this Court has exclusive jurisdiction to entertain such arguments. Section 167(4)(e) of the Constitution does not permit the applicants to bypass the High Court on a matter that involves a challenge to the lawfulness of the exercise of decision-making powers, as opposed to a case involving my failure to exercise some constitutional duty (which would fall within this Court's exclusive jurisdiction).

13. I therefore deny that this case falls within the exclusive jurisdiction of this Court and am advised that the application stands to be dismissed on this basis.

14. In the alternative to their contention that this Court has exclusive jurisdiction, the applicants seek direct access to this Court. In support of this, they contend that –

14.1. this is an urgent matter of the utmost public importance;

14.2. the matter concerns crisp constitutional issues, with no need for the resolution of factual disputes; and



A. M. H.

14.3. no purpose will be served by taking the matter to the High Court because it will inevitably be referred to this Court.

15.I deny that these considerations constitute the exceptional circumstances necessary to warrant direct access to this Court. That the application involves matters of public importance that may ultimately be referred to this Court does not, on its own, justify the approach to this Court without first ventilating the matter before the High Court.

16. Moreover, the approach at this stage to any Court is premature, given that –

16.1. at the time of deposing to this affidavit, the terms of reference for the commission of inquiry have not yet been gazetted and will only be gazetted by the end of this week; and

16.2. the President's Act appointing Prof Cachalia has not yet been finalized and executed.

17. The applicants were informed of this on 17 July 2025, in the letter attached as "MK5B" to the founding affidavit. Despite this, they have pre-empted these steps and seek the urgent intervention of this Court to set aside processes that are still underway.

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A. H.

18. The remainder of this affidavit addresses the merits of the application, in the event that this Court determines that it has the necessary jurisdiction and that it is in the interests of justice to entertain the matter at this stage.

THE IMPUGNED DECISIONS

19. As I have addressed above, the applicants challenge three decisions:

19.1. the decision to establish a judicial commission of inquiry;

19.2. the decision to place Minister Mchunu on a leave of absence; and

19.3. the decision to appoint Professor Cachalia as the Acting Minister of Police.

20. I deal with each of these decisions in turn.

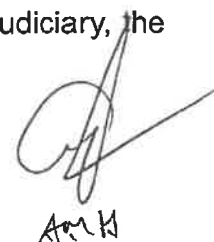
My decision to establish a judicial commission of inquiry

21. Upon becoming aware of the allegations made by Lt-Gen Mkhwanazi, I took a decision to establish a judicial commission of inquiry, chaired by Acting Deputy Chief Justice Madlanga. Justice Madlanga will be assisted by Advocate Sesi Baloyi SC and Advocate Sandile Khumalo SC.



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22. The commission of inquiry will be afforded a period of six months to complete its investigation and to submit its final report, with the first report to be submitted to me after a period of three months.
23. The terms of reference for the commission of inquiry are due to be published before the end of this week.
24. My decision as to the composition of the commission of inquiry was made in consultation with and on the advice of the Chief Justice. Having considered the allegations made and the seriousness thereof, I considered it appropriate to approach the Chief Justice as the head of the judiciary and the apex court with a view to ensuring a thorough and credible investigation. The Chief Justice recommended that the investigation be led by the Acting Deputy Chief Justice, who would afford the investigation the necessary gravity and legitimacy.
25. The applicants challenge the establishment and composition of the commission of inquiry on the basis that members of the judiciary have been implicated in the allegations made by Lt-Gen Mkhwanazi. The applicants assert that *"no single member of the judiciary including Justice Madlanga, is guilty or innocent."* As such, the applicants contend, the appointment of any member of the judiciary to the commission of inquiry is irrational, as the judiciary would effectively be investigating itself.
26. While I appreciate that the allegations to be investigated by the Commission of inquiry implicate a broad range of actors, including members of the judiciary, the



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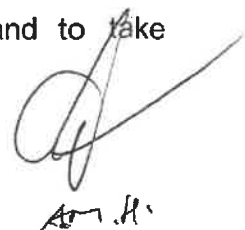
assertion by the applicants that Justice Madlanga would essentially be investigating himself is far-fetched and baseless.

27. There is no suggestion by Lt-Gen Mkhwanazi of any impropriety at the level of the Justices of the Constitutional Court. The allegations implicating members of the judiciary all pertain to criminal proceedings. As far as I have been able to ascertain, none of the proceedings to which the allegations relate was ever referred to the Constitutional Court for adjudication. There is simply no suggestion that any of the individuals appointed to the Commission of inquiry would be compromised in any way.

28. The applicants then assert that members of the judiciary can only be investigated by those bodies constitutionally and legislatively entrusted with this function, namely the Judicial Service Commission ("JSC") and the Magistrates' Commission. This is denied.

29. Both the JSC and the Magistrates' Commission have specific mandates as outlined in the Constitution and the statutory provisions from which they derive their powers. There is no suggestion that the investigation of Lt-Gen Mkhwanazi's allegations by the commission of inquiry would preclude the JSC or the Magistrates' Commission from conducting their own disciplinary processes in respect of those that fall within their jurisdiction, should they deem it appropriate to do so.

30. Indeed, while the mandate of the JSC and the Magistrates' Commission is to oversee the conduct of judges and magistrates respectively, and to take



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disciplinary steps where appropriate, the commission of inquiry is intended to hold a broader mandate, including the investigation of the commission of criminal offences, victimization and the targeted removal of whistleblowers.

31. Given these different mandates, it is open to the JSC and the Magistrates' Commission to initiate their own processes in terms of their empowering legislation at any point; these processes would not hinge on the completion by the commission of inquiry of its mandate.

32. The applicants also suggest that the establishment of a commission of inquiry would be a waste of resources, citing the Zondo Commission as an example of this. They allege that the Zondo Commission has produced no tangible results, despite the resources that were allocated to it.

33. The applicants' criticism is misplaced: the attached report marked "AA3" reflects that substantial progress has been made in implementing the recommendations of the Zondo Commission. As at 31 March 2025, 48% of the recommendations of the Zondo Commission were either complete or substantially complete. In addition –

33.1. Assets to the value of R10.93 billion have been recovered. This indicates a tenfold return on the R1 billion cost of the Zondo Commission;

33.2. Eight new laws have been enacted to address critical vulnerabilities in procurement, intelligence services, anti-corruption capacity and political funding; and



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33.3. Measures have been implemented to increase institutional capacity to investigate and combat corruption.

34. The assertion that the Zondo Commission did not produce valuable outcomes is therefore denied.

35. In the circumstances, I deny that the decision to establish a commission of inquiry is irrational or reviewable on any other basis.

My decision to place Minister Mchunu on a leave of absence

36. My decision to place Minister Mchunu on a leave of absence was based on my understanding of my powers in terms of section 91 of the Constitution. Section 91 provides in relevant part as follows:

(1) . . .

(2) *The President appoints the Deputy President and Ministers, assigns their powers and functions, and may dismiss them.*

(3) *The President –*

(a) must select the Deputy President from among the members of the National Assembly;

(b) may select any number of Ministers from among the members of the Assembly; and

(c) may select no more than two Ministers from outside the Assembly.



A.M.H.

(4) . . .

(5) . . .

37. Section 91 needs, however, to be read in the context of section 96 of the Constitution which governs the conduct of Cabinet Ministers and provides, in relevant part, that they may not:

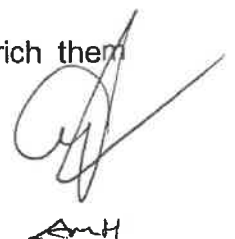
37.1. act in any way that is inconsistent with their office,

37.2. expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests; or

37.3. use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person.

38. I understand that section 91 gives me the power to dismiss Ministers. My understanding is that this power of dismissal includes all of the career incidents of Ministers, and that I am afforded a wide berth as to how to deal with Ministers. This includes, amongst other powers, the power to place a Minister on special leave or to reshuffle Cabinet and assign a different portfolio to the Minister. It also includes the power to assign no powers to a Minister while a Minister is placed on special leave.

39. I also understand that section 96 sets the conduct standards for Ministers. The section requires Ministers to conduct themselves in ways that do not give rise to conflicts, do not conflict with their oath of office, and that do not enrich them



personally. When that section is read together with section 91, it is clear that I am empowered to place a Minister on special leave when there are serious allegations that a Minister has acted inconsistently with the conduct standards of section 96 so that those allegations can be properly investigated.

40. In this regard, I submit that the power to suspend a Minister in particular is a necessary incident of the power to dismiss him or her. Were I not empowered to suspend a Minister pending the outcome of an investigation of allegations against him or her, I would be compelled in all cases regardless of the circumstances to dismiss that Minister simply on the basis of allegations against him or her, even if they may, on investigation, turn out to be unfounded. This would unduly limit my powers to exercise my judgment on the merits of each case and to determine, based on the circumstances of each case, the appropriate course of action.

41. A limitation of my powers to that extent could, I submit, have the potential to destabilise the executive: it would be possible merely for allegations of serious misconduct to be made against a Minister, regardless of whether there is any basis for those allegations, and I would have no choice but to dismiss the Minister concerned. This would be an unwarranted reading of my broad executive powers to appoint, assign duties to and dismiss Ministers.

42. My decision in this case was informed by the seriousness of the allegations implicating Minister Mchunu. Those allegations raise the question whether Minister Mchunu has breached his most basic duties under section 96 of the Constitution, which include his duty to remain faithful to his oath of office. They also raise the



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question of whether Minister Mchunu has engaged in criminal conduct. I therefore considered it necessary to remove Minister Mchunu from his position, to take his current powers away from him, and to do so pending the outcome of an investigation into his conduct through the commission of inquiry. I also did not consider it appropriate for Minister Mchunu to be moved to a different portfolio. The seriousness of the allegations against Minister Mchunu meant that he should not be exercising any powers while on suspension. The allegations have profound implications for public confidence in the executive and the police force as a whole. So I decided that a proper investigation into the veracity of the allegations was warranted.

43. Placing a Minister on special leave is not unprecedented. I refer to annexure "AA4", which is President's Act 72 of 2021, placing former Minister Zweli Mkhize on a special leave of absence pending the finalization of investigations being conducted by the Special Investigating Unit ("SIU") into allegations against him. He was placed on special leave of absence until I had had the opportunity to consider the report of the SIU's investigation. That is the same course of action as the one I have adopted in this matter.

44. The applicants have cited the example of Deputy Minister Whitfield who was dismissed from his position as Deputy Minister of Trade, Industry and Competition, after he travelled to the United States without authorization. The applicants argue that this so-called lesser offence was met with a more stringent sanction, whereas Minister Mchunu has been given a leave of absence in the face of far more serious allegations.



AMH

45. The analogy the applicants seek to draw is flawed for the following reasons:

45.1. Deputy Minister Whitfield admitted the allegations against him, and acknowledged that he had violated the rules and established practices applicable to the members of the Executive. I refer the Court to the attached media statement issued on 27 June 2025, marked "AA5".

45.2. The allegations against Minister Mchunu, on the other hand, are untested, and will be investigated by the commission of inquiry. Minister Mchunu has not admitted any of the allegations against him. A decision to dismiss him would therefore be based on untested allegations, as opposed to admitted misconduct, which was the case with Deputy Minister Whitfield.

45.3. Furthermore, the allegations against Minister Mchunu are of the most serious type and therefore warrant a proper process of investigation, while Minister Mchunu does not exercise any powers. That result is achieved by placing him on special leave.

46. The applicants also allege that my decision to place Minister Mchunu on special leave rather than dismissing him amounts to special treatment of an ally. This allegation is based on pure speculation and conjecture. I deny it in the strongest terms. I have dealt with Minister Mchunu in accordance with my constitutional powers, having exercised my judgment regarding the appropriate course of action to adopt in the particular circumstances of this case. Far from revealing bias on my part, the establishment of a commission of inquiry into the allegations reveals the seriousness with which I take the allegations against Minister Mchunu. There is

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value, in my view, in the public airing of these allegations because that process will itself expose the conduct within the police services to scrutiny. Once I have the outcome of that process, I will be in a position to consider whether Minister Mchunu should be retained in Cabinet. Until then, he should not exercise any powers and placing him on special leave achieves that outcome.

My decision to appoint Professor Cachalia as the Acting Minister

47. Section 98 of the Constitution provides as follows:

The President may assign to a Cabinet member any power or function of another member who is absent from office or is unable to exercise that power or perform that function.

48. The placement of Minister Mchunu on a leave of absence created a lacuna in Cabinet, leaving open the critical position of Minister of Police. It goes without saying that I was compelled to take the necessary steps to address this lacuna.

49. The allegations made by Lt-Gen Mkhwanazi are self-evidently serious, and, if true, threaten to undermine the confidence of South Africans in the ability of our law enforcement structures to fight crime and corruption. The structures implicated by these allegations include the following:

49.1. The South African Police Service, including the Political Killings Task Team and Crime Intelligence;



Am H.

- 49.2. The Johannesburg Metropolitan Police Department;
 - 49.3. The Ekurhuleni Metropolitan Police Department;
 - 49.4. The Tshwane Metropolitan Police Department;
 - 49.5. The National Prosecuting Authority;
 - 49.6. The State Security Agency;
 - 49.7. Members of the judiciary, including the magistracy and courts administration;
 - 49.8. The Department of Correctional Services; and
 - 49.9. Any other institutions and/or organs of state within the criminal justice system.
50. The integrity and credibility of the South African Police Service and other law enforcement agencies are key to an effective fight against crime, and the proper functioning of our constitutional democracy.
51. Given the importance of the role of the Minister of Police, and the potential for the allegations made by Lt-Gen Mkhwanazi to undermine the legitimacy of our law



A.M.H.

enforcement structures, I deemed it appropriate to appoint a person from outside the existing Cabinet to occupy the position of Minister of Police for the duration of Minister Mchunu's leave of absence. This would remove the possibility of the allegations pertaining to law enforcement officials from tainting, or being perceived to taint, the South African Police Service and other agencies.

52. I am entitled to appoint a Minister from outside of the National Assembly in terms of section 91(3)(c) of the Constitution. My appointment of Professor Cachalia as a Minister will be made in terms of section 91(3)(c). This will be done in terms of a President's Act under this section.

53. I chose to appoint Professor Cachalia in particular because of his in-depth knowledge of and experience in the security cluster. He served as Member of the Executive Council for Community Safety in Gauteng between 2004 and 2009, overseeing numerous important crime-fighting initiatives. Most recently, Professor Cachalia served as the Chairperson of the National Anti-Corruption Advisory Council, which council has completed its mandate and submitted its report. Professor Cachalia thus has a wealth of knowledge and experience that qualifies him to assume responsibility for police and law enforcement.

54. Professor Cachalia is, however, available only after his retirement from his current position on 31 July 2025. In order to ensure continuity of the portfolio of the Minister of Police, I assigned the powers and functions of this portfolio to Minister Mantashe for the period until Professor Cachalia becomes available to assume these powers



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and functions. I refer in this regard to annexure "AA6", being my Presidential Act appointing Minister Mantashe as Acting Minister of Police for this purpose.

55. Upon his appointment as a Minister, Professor Cachalia will be assigned Minister Mchunu's powers and functions, as Acting Minister of Police, given Minister Mchunu's absence.

56. I acknowledge that the appointment of Professor Cachalia as the Acting Minister of Police pending the outcome of the investigation by the commission of inquiry has cost implications. The expenditure of additional resources for the appointment of a person from outside Cabinet could, however, only be avoided by assigning Minister Mchunu's powers and functions to an existing Minister (or to appoint a Deputy Minister as a Minister to enable such assignment).

57. I have outlined above the reasons why, given the nature and seriousness of the allegations against Minister Mchunu, I have elected to appoint an Acting Minister of Police from outside of Cabinet, as I am entitled to do in terms of sections 91(3)(c). Furthermore, Professor Cachalia is meant to hold this position for the duration of the commission of inquiry, which is intended to complete its work with the urgency that it deserves, and in a maximum of 6 months. It was based on these considerations that, mindful of the expenditure associated with the appointment of Professor Cachalia, I deemed this expenditure justifiable in the circumstances, to maintain the legitimacy and integrity of the criminal justice system. I am advised that this is a judgment that falls in the heartland of executive functions. It involves



C. Ramaphosa

a value judgment, balancing competing interests, over which reasonable people may differ. That reasonable people may differ does not make the decision unlawful.

AD SERIATIM RESPONSES

58. I turn now to respond to the contents of the founding affidavit *ad seriatim*. I have attempted, within the extreme time pressures presented in this case, to respond to each and every allegation made. Where I do not respond to a particular allegation, and where it is inconsistent with what is set out elsewhere in this affidavit, it is denied.

Ad paras 1 – 2

59. Save to deny that the contents of the founding affidavit are true and correct, the contents of these paragraphs are noted.

Ad para 3

60. For the reasons set out above, I deny that there has been any subversion or infringement of any fundamental rights. I have set out the reasons for the impugned decisions above. I took each of these decisions in the legitimate exercise of my executive powers in terms of the Constitution.

61. Save for the aforesaid, the contents of this paragraph are noted.

Ad paras 4 - 8

62. The contents of these paragraphs are noted.



Anshu .

Ad para 9

63. The deponent does not indicate whether the applicants obtained the consent of the Chief Justice prior to the institution of these proceedings against the fifth respondent, as contemplated in section 47(1) of the Superior Courts Act 10 of 2013. The applicants are invited to address whether they complied with this obligation.

64. Save for the aforesaid, the contents of this paragraph are noted.

Ad para 10

65. The contents of this paragraph are noted.

Ad para 11

66. For the reasons set out above, I deny that this Court has exclusive jurisdiction to entertain this application. I further deny that the circumstances of the case warrant direct access being granted.

67. Save for the aforesaid, I note the purpose of the application and deny that the applicants have made out a case for the relief they seek.

Ad para 12

68. The contents of this paragraph are noted.

Ad paras 13 – 14

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69. For the reasons set out above, I deny that this Court has exclusive jurisdiction to entertain this application.

Ad para 15

70. For the reasons set out above, I deny that the applicants have made out a case for direct access to this Court to be granted.

Ad paras 16 – 24

71. The contents of these paragraphs are admitted.

Ad para 25

72. I admit that the allegations made by Lt-Gen Mkhwanazi are serious. It is for that reason that I took the steps outlined above.

Ad para 26

73. I have dealt above with the applicants' criticism of the Zondo Commission, and the reasons why this criticism is misdirected.

Ad paras 27 – 29

74. The contents of these paragraphs are admitted.

Ad para 30

75. I admit the release of the media statement on 14 July 2025. For the reasons set out above, I deny the content of that statement.



A.M.H.

Ad paras 31 – 32

76. I have dealt above with the reasons why this application is premature. The terms of reference for the commission of inquiry had not yet been gazetted at the time it was filed, nor has the President's Act appointing Professor Cachalia been finalised and executed.

77. I deny, for the reasons set out above, that the impugned decisions have catastrophic consequences for the public purse or any other adverse consequences.

78. The contents of these paragraphs are accordingly denied.

Ad para 33

79. I note that the applicants informed the Chief Justice of the imminent delivery of their application.

Ad para 34

80. The contents of this paragraph are admitted.

Ad para 35

81. The contents of this paragraph are denied for the reasons set out above.

Ad para 36

82. I admit that I appointed Minister Mantashe as the Acting Minister of Police in terms of section 98 of the Constitution. It was necessary for me to do so, since Professor



AMH.

Cachalia is not yet available to assume the duties of the Acting Minister of Police. The appointment of Minister Mantashe was necessary to ensure continuity and preserve the integrity of the criminal justice system.

Ad para 37

83. I admit that the values underlying the Constitution include the values of accountability, responsiveness, openness, the supremacy of the Constitution and the rule of law.

Ad para 38

84. For the reasons set out above, the applicants' approach to this Court is premature. The contents of this paragraph are therefore denied.

Ad para 39

85. Save to deny that political parties enjoy the rights enshrined in the Bill of Rights, the contents of this paragraph are admitted.

Ad paras 40 – 49

86. To the extent that these paragraphs accurately record the constitutional and statutory provisions referred to, they are admitted.

Ad para 50

87. The contents of this paragraph are noted.

Ad para 51



A.M. H.

88. Save to deny that I have failed to fulfil my constitutional obligations, the contents of this paragraph are noted.

Ad paras 52 – 52.1

89. I have dealt above with my reasons for placing Minister Mchunu on a leave of absence, including the constitutional provisions that empower me to do so. I reiterate that my powers arising from sections 91 and 96 of the Constitution.

Ad para 52.2

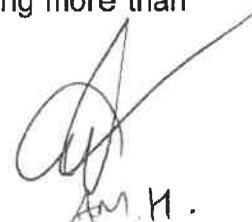
90. I deny that the manner in which I have dealt with Minister Mchunu amounts to the special treatment of an ally. I further deny that the contents of this paragraph are relevant to the current proceedings.

Ad para 52.3

91. The contents of this paragraph are denied.

92. I emphasise that Minister Mchunu was not the Minister of Police at the time of the investigation of allegations against me relating to Phala Phala. The investigation, in any event, was conducted by the SAPS and certain criminal proceedings are underway in relation to aspects of the matter. The investigation referred to in the annexed article, that the applicants refer to, is not an investigation into my conduct but one that was conducted by the Independent Police Investigative Directorate, in relation to conduct of members of the SAPS.

93. The applicants' allegations of abuse of my powers amount to nothing more than speculation and conjecture.



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Ad para 52.4

94. The contents of this paragraph are denied. I have addressed above the reasons why I placed Minister Mchunu on a leave of absence, rather than dismissing him. I made this decision in the legitimate exercise of my constitutional powers.

Ad para 52.5

95. I have addressed the allegations pertaining to Deputy Minister Whitfield above. Deputy Minister Whitfield admitted to serious allegations of insubordination. This is not a minor or technical transgression.

Ad para 52.6

96. The contents of this paragraph are denied. I emphasise that the allegations against Minister Mchunu have not been tested, and will be investigated by the commission of inquiry.

Ad paras 52.7 – 52.9

97. I acknowledge that I am empowered in terms of section 91(2) of the Constitution to dismiss Ministers. I deny that I am compelled to do so. I have dealt above with the reasons why in the exercise of my judgment I elected to place Minister Mchunu on special leave instead.

Ad para 52.10

98. I deny that there is any violation of taxpayers' rights. While there is a financial implication of my decision to place Minister Mchunu on special leave and appoint



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Professor Cachalia to act in his stead, I considered this implication justifiable in the circumstances.

99. I further deny that the commission of inquiry will run into several months or years.

As I have stated above, the commission is required to complete its investigation within six months.

Ad para 53

100. I deny that there are notionally three Ministers of Police: Minister Mchunu, as the Minister of Police, has taken a leave of absence; Minister Mantashe will act as the Minister of Police in Minister Mchunu's absence until such time as Professor Cachalia is available to assume this position.

Ad paras 54 – 55

101. The contents of these paragraphs are denied for the reasons set out above.

Ad paras 56 – 60

102. I have explained above my reasons for the appointment of Professor Cachalia as the Acting Minister of Police, as well as the provisions empowering me to do so. As I have addressed, Professor Cachalia will be appointed as a Minister in terms of section 91(3)(c) of the Constitution, and then assigned the powers and functions of the Minister of Police to enable him to act in this position.

103. I accordingly deny that I have failed to fulfil my constitutional obligations, or that my decision was otherwise *ultra vires*, irrational or in breach of the rule of law.



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Ad paras 61 – 64

104. I have addressed above my rationale for the establishment of a commission of inquiry, and the reasons why the composition of the commission of inquiry is beyond reproach. For the reasons set out above, the contents of these paragraphs are denied.

Ad paras 65 – 70

105. I have dealt with the prematurity of this application above. For the reasons set out above, the contents of these paragraphs are denied.

Ad paras 71 – 73

106. The contents of these paragraphs are denied. The applicants have not provided any basis for the relief referred to in these paragraphs. They will be addressed in legal argument.

WHEREFORE the first respondent seeks an order dismissing the application with costs.



DEPONENT

I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit which was signed and sworn to at CAPE TOWN on this the 23rd of JULY 2025 in accordance with the provisions of Regulation R128 dated 21

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July 1972 as amended by Regulation R1648 dated 19 August 1977, R1428 dated 11 July 1980 and GNR 774 of 23 April 1982.



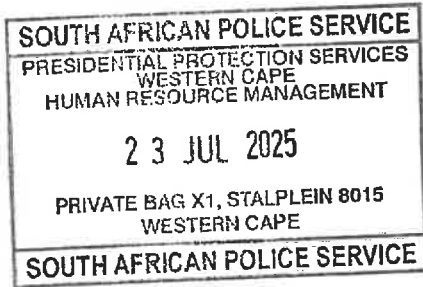
Commissioner of Oaths

Full Names: *ALEX MORNE HENDRICKS*

Designation: *Lt. COLONEL*

Area: *CAPE TOWN*

Address: *5 HEAD ROAD FRESNAYC*



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AA1A



Office of the State Attorney Pretoria

Private Bag X 91
PRETORIA
0001

SALU BUILDING
316 THABO SEHUME STREET
PRETORIA
Docex: 298

Tel: (Switchboard): (012) 309 1500
(Direct Line): (012) 309 1572
Fax: (General): (012) 309 1649
Fax to email: (086 431 9077)
Secretary: (012) 309 1557

22 JULY 2025

Enquiries: **Mr L Gumede**
Email: LuGumede@justice.gov.za
Cc: ThuliDladla@justice.gov.za

My Ref: 2686/2025/Z42
Your Ref:

**THE REGISTRAR
OF THE CONSTITUTIONAL COURT
BRAAMFONTEIN**

**RE: JACOB G ZUMA & UMKHONTO WESIZWE PARTY/ THE PRESIDENT CYRIL
MATAMELA RAMAPHOSA AND 3 OTHERS**

Dear Registrar

ZUMA AND ANOTHER // PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND
OTHERS: CASE NO CCT 206/2025

1. We refer to the above matter, in which we act for the first respondent.
2. We acknowledge that in terms of the directions issued by this Court on [date], the respondents are required to file their answering affidavits today.
3. We have done our utmost to comply with the Court's directions. It has, however, not been possible to do so, for the following reasons:

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3.1. It was necessary to appoint counsel to advise the first respondent on their recommended approach, and to attend to the drafting of the answering affidavit on receipt of the necessary instructions. Given the urgency of the matter and the tight timeframes, we encountered difficulties in securing counsel who had the necessary capacity, and then to follow the applicable procurement processes for their appointment.

3.2. Upon the appointment of counsel, it was necessary to consult with the Office of the Presidency to obtain the necessary instructions to enable a comprehensive response to the founding affidavit. The consultation was held on the afternoon of 21 July 2025.

3.3. Following that consultation, the representatives from the Office of the Presidency compiled the necessary documents and instructions to enable counsel to draft the answering affidavit. The documents and instructions were compiled as swiftly as possible, and were sent to counsel during the evening of 21 July 2025 and during the course of the day on 22 July 2025.

3.4. The draft answering affidavit will require input from all members of the legal team and for the President to consider the papers and the draft affidavit and then sign.

4. We humbly apologise for the delay. We confirm that the answering affidavit will be finalised as soon as possible, and that we will make every effort to file it as early as possible on 23 July 2025.

5. We further confirm that we will apply for condonation for the delay, and that counsel will address the Court on this issue to the extent that this is necessary.

Regards

MR K.L GUMEDE

FOR: STATE ATTORNEY (PRETORIA)



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PRESIDENT'S ACT NO. 250 /2025

I hereby place Minister of Police, Mr Senzo Mchunu, on leave of absence with immediate effect, until further notice.

Given under my Hand at Pretoria on this 13 day of July Two thousand and Twenty-Five

A handwritten signature in black ink, appearing to be Cyril Ramaphosa, written over a horizontal line.

PRESIDENT

A handwritten signature in black ink, appearing to be Senzo Mchunu, written over a horizontal line.

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1 Introduction and Background

1.1 Purpose

This report provides an assessment of progress in implementing the President's Response to the State Capture Commission recommendations as at the end of March 2025. This is the second comprehensive account of progress against all 60 actions in the President's Response. The first was published in November 2023.

1.2 Context of the State Capture Commission Findings

The Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, chaired by the then Chief Justice Raymond Zondo, was established in January 2018 following the remedial action contained in the Public Protector's "State of Capture" report released in November 2016. The Commission conducted hearings over a three-year period, holding its first hearing on 20 August 2018 and its final hearing on 12 August 2021.

During this period, the Commission heard evidence from over 300 witnesses and held more than 400 days of hearings. The evidence presented to the Commission has been transcribed into over 75,000 pages, and a total of 1,731,106 pages of documentary evidence was examined. The Commission's investigations spanned multiple sectors of government and the economy, including state-owned enterprises, government departments, and private sector entities implicated in state capture.

The Commission concluded that "there can be no doubt that state capture happened in South Africa." It found that state capture evolved as a project whereby a relatively small group of actors, together with their network of collaborators inside and outside of the state, conspired systematically to redirect resources from the state for their own gain.

The final report of the Commission, consisting of six parts and over 5,000 pages, was handed to President Cyril Ramaphosa over a period of six months, with the first report submitted on 4 January 2022 and the final report on 22 June 2022.

1.3 Overview of the President's Response (October 2022)

In fulfilment of the remedial action contained in the Public Protector's "State of Capture" report and as required by the ruling of the Gauteng High Court, President Ramaphosa submitted his response to Parliament on 22 October 2022. This response outlined the government's intentions regarding the implementation of the Commission's recommendations.

The response addressed the mechanisms of state capture identified by the Commission. To counter the manipulation of appointments, the response proposed reforms to enhance transparency and merit-based selection across government institutions. To address procurement manipulation, it committed to legislative and regulatory reforms aimed at strengthening integrity and accountability in the procurement system. To rebuild law enforcement capacity, it outlined strategies for strengthening institutions and improving coordination among anti-corruption entities.

2 Implementation Status

Three years after the final Commission report the status of the 60 actions identified in the Response Plan is as follows: 29 (48%) complete or substantially complete with some further work ongoing, 14 (23%) on track, and 17 (29%) delayed or requiring attention.



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Status	No	%
Action complete	11	18%
Action complete, further work ongoing	18	30%
Action on track	14	23%
Action delayed, but work proceeding	13	22%
Action requires attention	4	7%
Total	60	100%

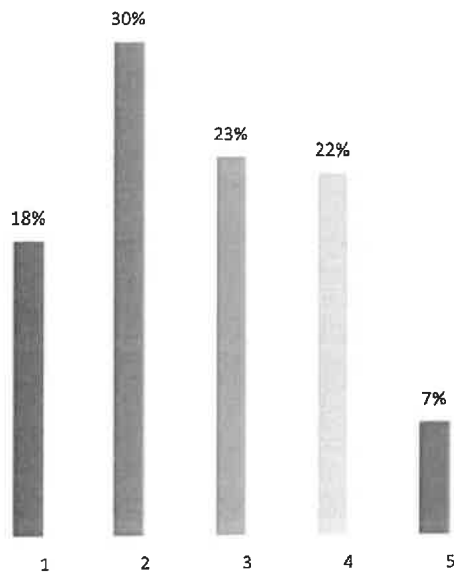


Figure 1: Status of implementation - 31 March 2025

Status	Definition
Complete	The action has been completed
Complete, further action required	The commitment in the President's Response has been actioned, but additional work must be undertaken
On track	Latest progress report gives assurance that progress is on track
Delayed, but work proceeding	The action is delayed in terms of the completion date in the President's Response, but work is progressing
Action requires attention	The action requires the attention of the SCC Technical Task Team or Steercom.

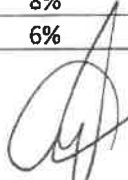
The subsequent sections of this report provide detailed information on the implementation of specific commitments organised into thematic areas. **Annexure A** provides a breakdown of the current status for all 60 actions that are being tracked and reported on.

3 Accountability for State Capture

3.1 Criminal Investigations and Prosecutions

The Integrated Task Force, led by the National Prosecuting Authority (NPA) and set up to coordinate the implementation of the Commission's recommendations for criminal investigation, prosecution, and asset recovery, is reporting on 218 recommendations spanning the multiple focus areas identified by the Commission. The distribution of these recommendations is as follows:

Focus Area	Number of Recommendations	Percentage
Bosasa	46	21%
Transnet	39	18%
SAA & Associated Companies	23	11%
SABC, Waterkloof Landing & PRASA	19	9%
Eskom	18	8%
Flow of Public Funds	17	8%
SSA and Crime Intelligence	12	6%


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Free State Asbestos Project	11	5%
Alexkor	10	5%
Vrede Dairy/Estina & Gupta Bank Accounts	7	3%
Other areas (Denel, EOH, SARS, etc.)	16	6%
Total	218	100%

The implementation¹ of these recommendations is assigned to:

- Investigating Directorate Against Corruption (IDAC): 125 recommendations (58%)
- Directorate for Priority Crime Investigation (DPCI): 75 recommendations (35%)
- Asset Forfeiture Unit (AFU), Financial Intelligence Centre (FIC), and Independent Police Investigative Directorate (IPID): remaining recommendations (7%)

As of 31 March 2025, the status of these 218 recommendations is:

Status	Number	Percentage
Case finalized with verdict, conviction, acquittal, withdrawal, or terminated investigation.	10	5%
Case enrolled, trial in progress, or partially finalized.	36	16%
Under active investigation with regular progress updates.	111	51%
Delayed but proceeding: Investigation continuing despite delays from new enquiries or dependencies.	9	4%
Progress stalled due to external dependencies such as extradition requests.	35	16%
No investigation initiated or authorized.	17	8%
Total	218	100%

Several high-profile cases are currently in progress, with trials scheduled through 2025-2026:

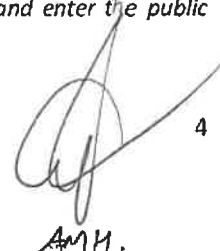
- Free State Asbestos Removal Case (April-June 2025)
- SA Express (North West Province) matter (February and May 2025)
- Multiple Bosasa-related corruption cases (beginning April 2025)
- Transnet Transaction Advisory Contract case (February 2026)

Four state capture-related cases have concluded with guilty verdicts:

1. Free State Housing Project: Former HOD Moses Mpho Mokoena received suspended sentences for PFMA/PRECCA violations.
2. Witness identity disclosure: Ms. Duduzile Myeni (deceased) fined R120,000.
3. SSA fraud: Accused received suspended 18-year sentence, on the condition that the person is not convicted of a similar offence and fully cooperates with law enforcement in investigations that fall within the person's knowledge.
4. PRASA fraud: Mr. Daniel Mthimkulu sentenced to 15 years imprisonment.

(See [Annexure C](#) for details of all cases in court)

¹ The State Capture Commission Response Steering Committee does not have sight of, or access to, specific investigations. Detailed information becomes available once matters reach the courts and enter the public domain through court processes.



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3.2 Asset Recovery in relation to State Capture matters

As of 31 March 2025, notable progress has been made in asset recovery efforts:

- Total amount recovered increased to **R10.932 billion²**, comprised of:
 - Special Investigating Unit (SIU) recoveries: R2.892 billion
 - Asset Forfeiture Unit (AFU) recoveries: R8.040 billion
- Assets currently under restraint or preservation orders total **R10.601 billion**, comprised of:
 - SIU-related orders: R4.2 billion
 - AFU-related orders: R6.401 billion

In the President's October 2022 response, it was reported that a total of R2.9 billion had been recovered and that SARS investigations arising from the Commission's findings and evidence had resulted in collections of R4.8 billion in unpaid taxes. Over the past three years law enforcement agencies added over R8 billion to this figure, with a number of recoveries pending the outcome of court cases.

Major recoveries include the ABB Settlement (R2.55 billion), McKinsey settlement (R1.12 billion³), SAP (R1.16 billion), and Optimum Mine Rehabilitation Trust (R1.94 billion). Ongoing preservation efforts include significant cases such as Transnet 1064 Locomotives (R4.2 billion), Tegeta/Optimum Coal Mine (R1.89 billion), and Estina (R1.39 billion).

The Asset Forfeiture Unit has implemented a four-pronged strategy focusing on international asset recoveries, civil asset recoveries, corporate alternative dispute resolution, and targeting professional enablers of state capture. These approaches have yielded results and will continue to be prioritized.

(See Annexure D for details)

3.3 Disciplinary and Regulatory Actions

The State Capture Commission recommended a number of individual professionals for referral to their respective professional bodies for investigation. Additionally, the Department of Public Enterprises initiated a broader process of referring former SOE board members implicated in state capture to various professional bodies.

3.3.1.1 Commission-Specific Referrals

The following investigations resulted from specific referrals of named persons recommended by the Commission:

- The South African Institute of Chartered Accountants (SAICA) Disciplinary Committee found Ms. Kwinana guilty of 13 of 14 charges and permanently barred her from practicing as a chartered accountant, with a R6.1 million fine. In March 2025, the High Court dismissed her appeal.
- The South African Institute of Tax Practitioners found Mr. CJA Wolmarans and Mr. D'Arcy-Herman guilty of professional misconduct.
- SAICA is awaiting the outcome of investigations by law enforcement agencies with regard to the recommendations regarding Mr. Natasen.
- Six LPC referrals: four dismissed (Mr Mantsha - no misconduct evidence; Mr Biebuyck and Lawtons Inc. - after practitioner discussions; Ms Mokoena - deemed court matter); two

² This figure excludes the R4.2 billion additional revenue collected by SARS

³ In addition to the R902 million in fees earned and returned by McKinsey in 2018)



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pending (Mr Memela and Mr Mbanjwa - held in abeyance due to SCC report review applications)

- The South African Diamond and Precious Metals Regulator conducted an inquiry into Scarlett Sky Investments (SSI) as per the Commission's recommendations and found that all businesses with which SSI traded between 2015 and 2020 were properly licensed under the Diamond Act. The Regulator is assisting Law Enforcement Agency investigations into related matters.

3.3.1.2 Additional Referrals by the Department of Public Enterprises

Beyond the specific individuals named in the Commission's recommendations, the former Department of Public Enterprises referred 71 director delinquency applications to the Companies and Intellectual Property Commission (CIPC) based on broader State Capture Commission evidence. CIPC has so far initiated nine court proceedings across Denel (3 cases) and Eskom (6 cases). Additional cases at Alexkor, SAA, and Transnet are paused pending court outcomes, additional evidence, or witness assistance.

The Department has also referred former SOE directors implicated in the Commission's report to professional bodies for possible code of conduct breaches. These referrals (made between January-February 2024) and their current status are:

Professional Body	Cases Referred	Current Status
SAICA	18	All cases closed (lack of prima facie evidence); may reopen pending other investigations
IRBA	16	Jurisdiction confirmed on 3 cases; additional evidence requested
ECSA	6	Investigator to be appointed; progress report pending
LPC	13	Jurisdiction confirmed on 10 cases; investigations ongoing
HPCSA	1	Case closed (membership lapsed in 2006)

3.4 Corporate Accountability

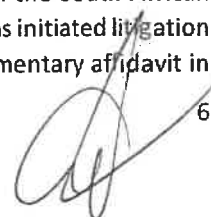
The Companies and Intellectual Property Commission (CIPC) has completed reviews for 10 private sector entities implicated in the State Capture Report, with six investigations still ongoing. Additionally, CIPC received eight new referrals from the SIU related to private entities linked to SAA that are currently under assessment.

Closed cases (10) include:

- LSG Skychefs
- Bid Air Group and Bid Air Cargo
- PWC
- Airbus Southern Africa
- Albatime
- Nzunzo Investments (linked to Bosasa)
- Glencore Operations SA and Glencore Holdings SA
- EOH Holdings

Ongoing investigations (6) involve JM Aviation, Swissport SA, Nkonki Inc., Air Chefs, Homix, and Blackhead Consulting.

The National Treasury imposed a 10-year ban on Bain & Co. doing business with the South African state. This ban will run from September 2022 to September 2032. However, Bain has initiated litigation challenging the constitutionality of the restriction process, filing a second supplementary affidavit in


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March 2025. The National Treasury subsequently filed its answering affidavit in April 2025. Bain's replying affidavit was due on May 2, 2025, but the company has requested an extension.

The Financial Intelligence Commission (FIC) established the 'Enablers Project' with Law Enforcement Agencies (LEAs) to trace state capture fund flows. Information requests were sent to the United Arab Emirates (UAE), China, Hong Kong, and India. The FIC facilitated meetings between South African and UAE authorities on Mutual Legal Assistance processes. Responses received from these countries were analyzed and shared with relevant investigative bodies including the NPA's Asset Forfeiture Unit, Investigating Directorate Against Corruption, and the Directorate for Priority Crime Investigation.

3.5 Special Commission of Inquiry into PRASA

The State Capture Commission recommended the establishment of a Commission of Inquiry into the Passenger Rail Agency of South Africa (PRASA). In the President's response, it was stated that a decision on the establishment of a commission of inquiry into PRASA would be held in abeyance until the completion of the expanded investigations by the Special Investigating Unit (SIU).

The President has issued a proclamation authorizing the SIU to investigate wrong-doing at PRASA between 2010-2024. The SIU is tasked to identify systemic failures, make recommendations to prevent future losses, refer criminal evidence to the NPA, and pursue civil action.

A decision on the establishment of a commission of inquiry into PRASA will be held in abeyance until the completion of the investigations underway.

3.6 Actions Against Members of the Executive

The Commission made adverse findings with respect to members of the Executive and made certain observations about their suitability to hold these positions. The President committed to undertaking a review of the positions of those members of his Executive implicated in wrongdoing in the report and to determine, on a case-by-case basis, in line with his discretion and obligation to observe the principle of legality and to act rationally, whether any action ought to be taken.

President Ramaphosa reaffirmed in a Parliamentary reply on 19 March 2024 that any action against members of his executive will be informed by the outcomes of the processes undertaken by law enforcement.


4 Reforms to Prevent Future Occurrence of State Capture

4.1 Law Enforcement and Anti-Corruption Capacity

The President's response to the State Capture Commission committed to several measures to rebuild law enforcement capacity and strengthen anti-corruption institutions. Progress in this area includes:

4.1.1 Establishment of IDAC as a Permanent Entity

The National Prosecuting Authority Amendment Act, 2024 (Act No. 10 of 2024) was signed into law by the President on 24 May 2024. This Act creates a permanent Investigating Directorate Against Corruption (IDAC) in the NPA, absorbing the previous Investigating Directorate established by Proclamation No. 20 of 2019. IDAC officially commenced operations on 19 August 2024. IDAC has been granted police powers and criminal investigation capabilities, allowing greater effectiveness in tackling high-level corruption cases.



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4.1.2 Anti-Corruption Architecture Review

The National Anti-Corruption Advisory Council has concluded research into the institutional reform recommendations of the State Capture Commission. This work included extensive consultations, including with the former Chief Justice and his team. NACAC has crafted proposals currently under consideration by the Executive.

These proposals address the Commission's recommendations regarding:

- The establishment of a permanent Anti-State Capture and Corruption Commission
- The creation of a Public Procurement Anti-Corruption Agency

The President announced in the 2025 State of the Nation Address that the Minister of Justice would report on this in the current financial year.

4.1.3 NPA Independence and Appointment Processes

The President's response committed to "work to be undertaken to clarify the Minister's 'final responsibility' over the NPA as set out in section 33 of the NPA Act and settling aspects related to the NPA's financial and administrative independence."

The commitment to enhance transparency in the National Director of Public Prosecutions (NDPP) appointment process through legislative amendments has been delayed due to constitutional considerations raised by the Department of Justice and Constitutional Development. However, a possible amendment to the NPA Act is now being considered that would provide for a transparent and open process to be determined by the President through the development of "Practice and Guidelines" for the appointment process of the NPA leadership. This is expected to be completed by November 2025. The matter remains time-sensitive as the term of the current NDPP, Advocate Shamila Batohi, ends in early 2026.

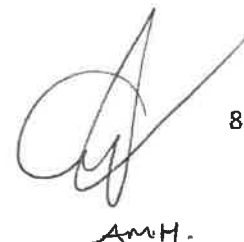
4.1.4 Combatting Money Laundering and Financial Crime

South Africa has implemented significant reforms to enhance financial transparency, combat money laundering and counter terrorism financing since October 2022. The General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act, 2022 (Act No. 22 of 2022) introduced stricter regulations to detect, investigate, and prevent financial crimes, addressing weaknesses that previously allowed illicit financial flows to go undetected.

The General Laws Amendment Act introduced reforms to five key laws:

- Financial Intelligence Centre Act (FICA) – Strengthened customer due diligence (CDD), beneficial ownership verification, and suspicious transaction monitoring.
- Trust Property Control Act – Required trustees to maintain and report records of beneficial owners.
- Companies Act – Mandated companies to submit beneficial ownership details to the Companies and Intellectual Property Commission (CIPC).
- Non Profit Organisations Act – Required certain categories of NPOs to register and disclose funding sources.
- Financial Sector Regulation Act – Enhanced regulatory oversight of financial institutions.

These reforms were implemented in two phases (31 December 2022 and 1 April 2023), significantly improving South Africa's ability to track illicit financial flows and prevent misuse of corporate and trust structures.



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As a result of these measures, South Africa has made substantial progress in strengthening its anti-money laundering framework. By February 2025, 20 of the 22 deficiencies identified by the Financial Action Task Force (FATF) had been addressed, leaving only two outstanding areas requiring further improvement.

In response, the Financial Intelligence Centre (FIC), National Prosecuting Authority (NPA), and South African Reserve Bank (SARB) have intensified enforcement efforts. The FIC reported a significant increase in compliance with anti-money laundering requirements (a 40% increase between 2023 and 2024) with stricter due diligence measures, improved beneficial ownership disclosures, and a rise in suspicious transaction reports being filed. Law enforcement agencies have also seen an increase in financial crime investigations and asset forfeiture cases, demonstrating that the regulatory framework is being actively enforced.

4.1.5 Financial Intelligence Centre Enhancements

The State Capture Commission recommended a review of the FIC's regulatory reporting regime effectiveness. The FIC appointed an independent law firm to review the effectiveness of the regulatory reporting regime under the FIC Act. The review examined banks' reporting of state capture transactions, FIC's actions, referrals to law enforcement, and subsequent agency responses. The final Independent Review Report was delivered to the FIC on 29 March 2025. The FIC is finalizing comments and developing an action plan to address the findings.

4.1.6 Restoring the South African Revenue Service

The National Treasury has initiated the process to amend the SARS Act to implement the recommendations of the Nugent Commission, including providing for an open, transparent and competitive process for the appointment of the SARS Commissioner and the appointment of adequate oversight mechanisms such as an inspector-general.

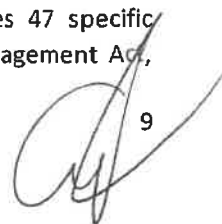
The consultations with key stakeholders continues. The target to complete the consultation process is the second quarter of the 2025/26 financial year, and to seek Cabinet approval on the proposed amendment by December 2025.

4.2 Procurement System Reforms

The State Capture Commission identified public procurement as a primary site for corruption and made several detailed recommendations for reforms. The Commission recommended the establishment of an independent Public Procurement Anti-Corruption Agency (PPACA) to combat corruption in public procurement. This recommendation is being considered by the National Anti-Corruption Advisory Council (NACAC) as part of its work to advise on strengthening the country's anti-corruption institutional arrangements.

The NACAC has concluded research into the institutional reform recommendations of the State Capture Commission and has crafted proposals currently under consideration by the Executive. The Department of Justice awaits the final recommendations of the NACAC, possibly by July 2025. The Department will include the NACAC Recommendations in its work on review of the anti-corruption architecture, with a view to presenting a report to Cabinet by October 2025.

The Public Procurement Act 28 of 2024 significantly transforms South Africa's procurement landscape by repealing or amending provisions across 17 different laws. The Act completely repeals two laws (the State Tender Board Act of 1968 and the Preferential Procurement Policy Framework Act of 2000), eliminates Chapter 11 of the Municipal Finance Management Act, and introduces 47 specific amendments across 15 other pieces of legislation including the Public Finance Management Act,

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Housing Act, and various local government statutes. These comprehensive changes consolidate South Africa's previously fragmented procurement system into a single regulatory framework designed to enhance transparency, efficiency, and economic development.

In addition to harmonising South African procurement laws, the Act addresses several other Commission recommendations, including provisions for a Code of Conduct setting out ethical standards for procurement and protection for Accounting Officers from liability for actions taken in good faith. The legislation also establishes standards of transparency, including a mandatory electronic system for procurement processes with public access requirements.

Section 15 of the Act provides comprehensive procedures for the disbarment of bidders or suppliers who have contravened provisions of the Act. These procedures establish clear enforcement standards with specific consequences for violations. Pending the finalization of the Act's regulations, the current Treasury Instruction on the restriction of bidders or suppliers continues to apply.

The Act aims to professionalize the procurement function through the Public Procurement Office, which will be responsible for providing guidance and training to procurement officials. This addresses the spirit of the Commission's recommendation regarding professionalizing procurement. The implementation phase must now translate these legal reforms into operational systems and practices to effectively combat corruption and improve service delivery.

The development of regulations to the Act is underway and envisaged to be promulgated during the third quarter of the 2025/26 financial year. The President will thereafter determine the effective dates of various provisions of the Act. The current regulatory framework continues to apply pending the finalization of the regulations.

The recommendation for lifestyle audits for supply chain officials has been implemented. The eDisclosure system covers these officials using a three-tiered approach (review, investigation, evaluation) to identify discrepancies between declared assets and visible lifestyle. This is discussed in more detail in a subsequent section.

4.3 Intelligence Services Reforms

The Commission made extensive recommendations to reform the intelligence services, identifying significant weaknesses in the regulatory framework that made the State Security Agency (SSA) vulnerable to abuse.

Many of the Commission's recommendations aligned with those of the High-Level Review Panel on the State Security Agency, established by President Ramaphosa in 2018 and chaired by Dr Sydney Mufamadi. The panel had identified "political malpurposing and factionalisation of the intelligence community" and recommended several key reforms including: separating the SSA into domestic and foreign services, developing a National Security Strategy, strengthening oversight mechanisms, and preventing executive interference in operational matters.

The General Intelligence Laws Amendment Act was enacted in March 2025. The Act amends the National Strategic Intelligence Act and Intelligence Services Act to disestablish the SSA and establish two separate entities: the South African Intelligence Service (responsible for foreign intelligence) and the South African Intelligence Agency (responsible for domestic intelligence). This restores the pre-2009 structure and reinforces the constitutional principle that security services must be politically non-partisan and serve the people of South Africa rather than particular political interests.



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The Act also strengthens oversight by empowering the Inspector General of Intelligence and the National Intelligence Coordinating Committee Coordinator to appoint staff and determine structures, with Parliament appropriating budgets for both offices.

The Intelligence Services Act has been amended to prevent executive involvement in operational matters. Section 10(3) now provides that the Director-General or Executive Director may issue functional directives "in consultation with the Minister," rather than under the Minister's direction.

The SSA has implemented measures to prevent the peddling of fabricated information. In January 2023, the Director-General issued a strengthened Standard Operating Procedure on the Clearance and Dissemination of Intelligence Products, which serves as a quality control mechanism for intelligence products. The agency has introduced training and refresher programs aimed at enhancing members' awareness of national security requirements, intelligence information management, and constitutional principles that require security services to be politically non-partisan and serve the interests of all South Africans.

To improve financial controls and accountability, the SSA has established enhanced oversight of cash holdings. The Reserve Bank grants yearly approval for the SSA to hold cash as part of its operational model through an Excon Agreement, with the Executive Authority confirming the need to maintain cash for operational purposes.

The SSA has approved and implemented directives for the possession, training, and storage of official firearms and ammunition, addressing the Commission's recommendation to tighten the process for issuing firearms from the SSA armoury.

The National Security Strategy was approved by Cabinet in March 2024 following extensive consultations. NICOC has completed drafting a public version which is awaiting ministerial approval after necessary review processes.

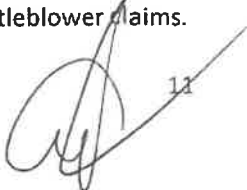
The SSA has also reviewed human resource directives to align with recruitment criteria recommendations. While these directives have been reviewed, they are currently awaiting ministerial approval.

4.4 Whistleblower Protection Measures

The State Capture Commission emphasized the critical role of whistleblowers in exposing corruption and recommended strengthening legal protections for those who disclose wrongdoing. The Commission recommended amendments to existing legislation to provide comprehensive protection and incentives for whistleblowers.

The Department of Justice and Constitutional Development has commenced a review of the Protected Disclosures Act and Witness Protection Act to give effect to the Commission's recommendations. This review considers key recommendations from the Commission, including: ensuring whistleblowers receive the protections afforded by section 32(2) of the UN Convention Against Corruption; considering the possible award of a proportion of funds recovered to whistleblowers who provide information material to recovery; and providing immunity from criminal or civil action for honest disclosures.

In June 2023, the Department published a Discussion Document on Proposed Reforms for The Whistleblower Protection Regime in South Africa for public comment. This document recommended several legislative measures to strengthen whistleblower protection, including criminalizing threats against whistleblowers and shifting the onus of proof to those seeking to deny whistleblower claims.


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The review process has progressed with inputs received and proposals refined, resulting in the preparation of a draft Bill. In the 2025 State of the Nation Address, President Ramaphosa announced the government's commitment to "finalise the whistleblower protection framework and introduce the Whistleblower Protections Bill in Parliament during this financial year." This legislation aims to create a comprehensive framework for protecting those who expose corruption and other wrongdoing.

The planned amendments recognize that current whistleblower protections are inadequate, noting that many individuals who exposed state capture faced severe personal and professional consequences. The expanded whistleblower protection framework is intended to increase the likelihood that individuals with knowledge of corruption will come forward, thereby strengthening overall anti-corruption efforts.

4.5 Professionalisation of the public administration

The Commission found that one of the key mechanisms of state capture was the strategic positioning of individuals in positions of power through the abuse of public sector appointment and dismissal processes. This was in contravention of the Constitution and applicable legislation.

The State Capture Commission highlighted that the ability to place compromised appointees serving extractive networks on boards and key posts within SOEs and the public administration was an essential mechanism of state capture.

Government's response committed to The National Framework towards the Implementation of Professionalisation of the Public Sector, which was adopted by Cabinet on 19 October 2022.

The following progress has been made in implementing the Commission's recommendations in this regard:

The Public Service Amendment Bill (PSA Bill)

The PSA Bill was passed by the National Assembly in February 2024. The new Parliament has revived the Bill and the legislation is at an advanced stage with the NCOP finalizing provincial consultations.

Key provisions addressing the Commission's recommendations include:

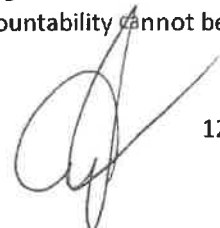
- The devolution of administrative powers from executive authorities to heads of department
- The establishment of the Director-General in the Presidency as Head of Public Administration
- Requirements that executive advice and directives be channelled through Accounting Officers
- Requirements that executive authorities record directives in writing

4.5.1 Code of Conduct for Special Advisers

The Code of Conduct for Special Advisers has been developed. The Code further clarifies the role of Special Advisers as contemplated in section 12A of the Public Service Act. The Code was submitted to the Cabinet as part of approval of the Dispensation for Appointment and Remuneration of Special Advisers.

4.5.2 Central Register for tracking dismissals and disciplinary cases

The Central Register is a database system for tracking officials dismissed or who resigned during pending disciplinary cases across all three government spheres. It addresses a key governance gap identified in the President's report to the State Capture Commission by preventing individuals with misconduct histories from simply moving between government entities. The Register will serve as a mandatory vetting tool for all prospective public sector employees, ensuring accountability cannot be evaded through resignation or cross-departmental movement.



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Draft Public Administration Management Regulations for the Central Register was published for public comment in the Government Gazette of 24 January 2025. Inputs will be considered, and the Regulations will be submitted for the approval of the Minister for Public Service and Administration following prescribed procedure. This will legally establish a uniform approach across the Public Administration on the use of the Register.

4.5.3 Implementation of mandatory lifestyle audits

The Commission's recommendation on lifestyle audits has been implemented for national and provincial departments. The Minister for Public Service and Administration made lifestyle audits mandatory in April 2021 for all national and provincial departments, with 138 departments reporting implementation to the DPSA by 2024.

The eDisclosure system has been expanded and enhanced to include senior managers, supply chain officials, and other designated categories of employees, serving as a critical enabler for the lifestyle audit process. Starting in March 2017, the Minister issued the "Determination on Other Categories of Designated Employees" which extended disclosure requirements beyond Senior Management Service to include all employees responsible for supply chain management, regardless of their level.

Implementation was phased, with supply chain management officials prioritized in the first group required to disclose their financial interests (June-July 2021). The three-tiered lifestyle audit approach (review, investigation, evaluation) now provides a framework for identifying discrepancies between officials' declared assets and their visible lifestyle. The DPSA reports that in 2024 seven national departments and 23 provincial departments referred cases for investigation.

4.5.4 Public Administration Management Amendment Bill (PAMA Bill)

The PAMA Bill was passed by the National Assembly in February 2024 and is now with the NCOP. Like the PSA Bill, it is at an advanced stage, with provincial consultations being finalized. The PAMA Bill addresses the Commission's concerns about conflicts of interest and corruption by:

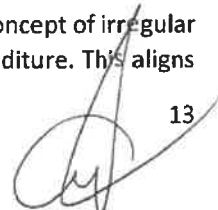
- Providing clarification regarding the prohibition against employees conducting business with organs of state in Section 8 of the Act, which criminalizes public servants conducting business with the state
- Introducing a "cooling-off" period of 12 months for employees involved in procurement decisions, barring them from working with related service providers immediately after their tenure

The DPSA has implemented measures to strengthen the monitoring of Section 8 of the original PAMA Act (2014), including monthly monitoring of the Central Supplier Database (CSD) and comparing this information with the Personnel Salary System (PERSAL) to identify public service employees attempting to register.

4.6 Auditing System Strengthening

The National Treasury has partnered with academia on a comprehensive research project to enhance the oversight function and value of South Africa's public sector audit committees. This research, conducted in collaboration with the University of South Africa and the Tshwane University of Technology, was completed in 2024. The findings will inform legislative reforms during the review of the PFMA/MFMA, with work on the PFMA Amendments Bill continuing in the first quarter of 2025/2026.

The National Treasury and the Auditor-General have collaboratively reviewed the concept of irregular expenditure to shift focus toward identifying corrupt, suspicious, or bad faith expenditure. This aligns


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with the Commission's recommendation to return to the original intent of the PFMA— allowing managers to manage while holding them accountable. Instruction No. 4 of 2022/2023, issued in 2022, established new reporting requirements for irregular and fruitless expenditure, requiring detailed disclosure in annual reports and financial statements. These definitions have been incorporated into draft amendments of the PFMA and MFMA, which have been prepared for public comment with the intention of presenting to Parliament in 2026.

4.7 State-Owned Enterprise Reforms

The Commission found that the appointment of board members and senior executives in SOEs was vulnerable to manipulation. It recommended a Standing Appointment and Oversight Committee for board and executive appointments.

Government introduced the National State Enterprises Bill to Parliament in January 2024. The Bill proposes the State Asset Management SOC Ltd to centralize governance of SOEs, with provisions for merit-based board appointments. This approach addresses the Commission's concerns about appointment processes while using a different institutional structure than the recommended Standing Committee.

Government committed to implementing processes for SOE board appointments that are not open to manipulation, including independent panels with technical expertise to recommend candidates.

The Memoranda of Incorporation for State Owned Companies have been reviewed to remove provisions for Board Procurement Committees and ministerial involvement in procurement processes.

The development of the 'Guide for the Appointment of Persons to Boards and Chief Executive Officers of State-Owned and State-Controlled Institutions' and the creation of a central database of potential candidates remain pending. These actions will be regulated by Regulations to be developed once the National Public Enterprises Bill becomes an Act.

4.8 Executive Accountability Measures

4.8.1 Lifestyle Audits for Members of the Executive

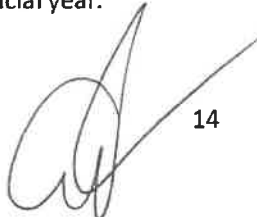
The Presidency has developed the methodology for conducting lifestyle audits for the Members of the Executive. The 6th Administration Members of the Executive submitted their financial interest disclosures to the Registrar of Financial Interest for Members of Executive by 24 May 2024. New Members of the Executive in the 7th Administration submitted their financial interest disclosures by 2 September 2024. Members also submitted consent forms to conduct the lifestyle audits. The process of verification and analysis of information is underway.

4.8.2 Induction of Members of the Executive

As part of the reforms outlined in the President's response, the Presidency has completed the induction of newly appointed Members of the Executive. This induction clarified the delineation between strategic oversight by executive authorities and the administrative responsibilities of accounting officers.

4.8.3 Guide for Members of the Executive

The President's Response also identified the need for a review of the Guide for Members of the Executive. Following an initial revision published in November 2022, a task team has been established with a project plan to conclude a comprehensive revision within the current financial year.



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4.9 New Criminal Offenses

The Commission recommended creating offenses for abuse of public power and political or constitutional malpractice. Regarding the creation of a statutory offence for abuse of public power, the recommendations of the South African Law Reform Commission (SALRC) are under discussion and evaluation in the Department of Justice and Constitutional Development. This is expected to produce a draft bill by November 2025. Similarly, sanctions for constitutional and political malpractice are also being considered, with the SALRC recommendations under discussion and evaluation in the Department of Justice. This evaluation process is also expected to be completed by November 2025.

4.10 Responding to abuses by the private sector

The Commission exposed the central role that private sector actors played in state capture, both through direct involvement in procurement corruption, fraud and money laundering, but also in weakening institutions that stood in the way of state capture. These perpetrators and enablers included management consultants, advisors, accountants, auditors, lawyers, bankers, as well as providers of goods and services, including large multinational firms.

The Commission's recommendations regarding the private sector focused on holding implicated companies accountable, reforming legislation to prevent future abuses, and introducing measures to ensure that companies take responsibility for preventing corruption within their organizations.

The following progress has been made in implementing these recommendations:

4.10.1 Disbarment of companies implicated in state capture

Action against companies implicated in the report has faced implementation challenges. While the National Treasury imposed a 10-year ban on Bain & Co doing business with the South African state (from 5 September 2022 to 4 September 2032), this process has been subject to litigation.

Bain has mounted a legal challenge to the constitutionality of the disbarment process, filing a second supplementary affidavit on 3 March 2025. The National Treasury subsequently filed its answering affidavit on 14 April 2025. Bain's replying affidavit was due on 2 May 2025 but the company has requested an extension.

The disbarment of other implicated companies has been delayed pending the outcome of Bain case.

4.10.2 Amendment to the Companies Act

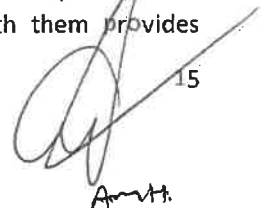
The Commission recommended the amendment of the Companies Act so as to permit applications for a director to be declared delinquent to be brought even after the two-year time bar, on good cause shown.

The Companies Second Amendment Act (Act 17 of 2024), assented to on July 24, 2024 and commenced on December 27, 2024, extended the time limits for delinquency proceedings against directors implicated in serious misconduct.

4.10.3 Amendment to the Prevention and Combating of Corrupt Activities Act

The Commission recommended that the Prevention and Combating of Corrupt Activities Act (PRECCA) be amended to introduce a provision criminalizing the failure of persons or entities to prevent bribery.

This recommendation has been implemented through the Judicial Matters Amendment Act (Act 15 of 2023), which commenced on 3 April 2024. The Act adds a new section (34A) to PRECCA, creating an offense for the failure of private sector entities or state-owned entities to prevent corruption. Under this amendment, organizations can be held liable if a person associated with them provides

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gratification to gain business advantages, unless the organization can demonstrate it had "adequate procedures" in place to prevent such corruption.

4.10.4 Deferred Prosecution Agreements

The Commission recommended introducing legislation for deferred prosecution agreements by which the prosecution of an accused corporation can be deferred on certain terms and conditions.

The South African Law Reform Commission (SALRC) has considered deferred prosecution agreements as part of its review of the criminal justice system. As part of its work in the review of the criminal justice system and the Criminal Procedure Act, the SALRC finalised a discussion paper on deferred prosecutions. The document was released to the public on 20 February 2025, and the closing date for comments was extended to 14 May 2025. Comments are being collated and analysed, and will be factored into the report by July 2025.

4.11 Amendment to the Political Party Funding Act

The Commission recommended that the Political Party Funding Act be amended to criminalize donations to political parties in the expectation of tenders, contracts or influence over government decisions.

The Electoral Matters Amendment Act (Act 14 of 2024) amended the Political Funding Act to make it an offense – punishable with a fine, imprisonment or both – where donations are made to political parties, members, independent candidates, or representatives with the expectation that they will influence the awarding of tenders, licenses, approvals, or other government decisions. The Act commenced on 8 May 2024.

4.12 Electoral System Considerations

The State Capture Commission identified deficiencies in South Africa's electoral system that contributed to accountability challenges. Following the Electoral Amendment Act's enactment in 2023, which allows independent candidates to contest national and provincial elections, a comprehensive review of the electoral system was mandated through the establishment of the Electoral Reform Consultation Panel (ERCP).

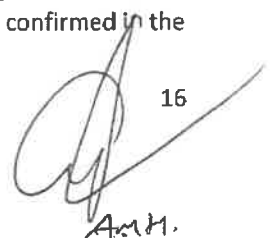
The Electoral Reform Consultation Panel was appointed in May 2024 and consists of nine members. The panel includes academics, election administrators, and public service experts and will conduct research and public consultations on potential electoral reforms.

The Panel's term has been extended to 31 August 2025 when it must deliver its final report with recommendations for future elections.

4.13 Parliament and Executive Interface

The Leader of Government Business has interacted with Parliament's Presiding Officers on the recommendations in the President's Response that relate to the interface between Parliament and the Executive. Parliament has published its response to the recommendations of the Commission, and engagement between Leader of Government Business and Presiding Officers on relevant recommendations have taken place.

To ensure that Parliament is sufficiently resourced to hold the Executive to account, the National Treasury has engaged with Parliament to determine the most appropriate way to give effect to the Commission's recommendations on the funding of Parliament. Budget allocation was confirmed in the 2023/24 Budget.



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5 Conclusion

The progress made over the past three years demonstrates government's commitment to addressing the systemic failures identified by the Commission. While significant steps have been taken in both holding perpetrators accountable and implementing systemic reforms, the full implementation of the Commission's recommendations remains a work in progress.

The effectiveness of these reforms will ultimately be measured by their ability to prevent future occurrences of state capture and to restore public trust in state institutions. This requires not only the completion of the actions outlined in this report but also sustained vigilance, adaptability and commitment to ethical governance across all spheres of government.



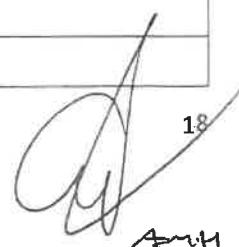
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ANNEXURE A – DETAILED PROGRESS REPORTING ON ACTIONS

Status	Definition
Complete	The action has been completed
Complete, further action required	The commitment in the President's Response has been actioned, but additional work must be undertaken
On track	Latest progress report gives assurance that progress is on track
Delayed, but work proceeding	The action is delayed in terms of the completion date in the President's Response, but work is progressing
Action requires attention	Either no progress report submitted, incomplete reporting or there is an issue that requires the attention of the SCC TTT or Steercom


Summary Status of SCC Response Plan Actions at 31 March 2025

#	Action complete (11 actions)
6	Review by South African Diamond and Precious Metals Regulator (SADMR) into diamond buying
9	Issued expanded proclamation for SIU to investigate PRASA
14	Amend PRECCA legislation to criminalise failure to prevent bribery
26	Implement controls for cash and improved accountability at State Security Agency
28	Implementation of gun control directives at State Security Agency
30	Resuscitation of systems and control measure at SSA s to prevent peddling of fabricated information
47	Amend Political Funding Act to criminalise donations for tenders
51	Leader of Government Business to interact with Parliament's Presiding officers on recommendations that relate to the interface between Parliament and the Executive
53	National Treasury to engage Parliament on funding of Parliament
55	Amend Companies Act for increasing time for declaring delinquent directors
60	Prohibition board members and Ministers involvement in operational or procurement in SOEs
	Action complete, further work ongoing (18 actions)
4	Monitoring referrals to regulators for Accounting Professionals
13	Engage overseas authorities for investigations into foreign companies implicated in State Capture
17	Improving measures to combat money laundering
19	Investigating Directorate to be established as permanent entity
21	Research into establishment of an Anti-State Capture and Corruption Commission and Public Procurement Agency
23	Review whistle-blower protection laws and incentives
27	Legislation to disestablish SSA and creation of new intelligence agencies
31	Review of Intelligence Services Act to give effect to principle that no member of Executive should be involved in operational matters of SSA
32	Review of SSA human resource directives to align with SCC recommendations on recruitment criteria
33	Tabling of National Security Policy and Strategy documents to Parliament
34	Legislation for disbarment of bidders or suppliers



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36	Legislative amendment to ensure appointment of qualified service providers
37	Specified set of SCC recommendations to be included in Public Procurement Act
38	Review of Treasury Instruction on restriction of bidders or suppliers
39	Enhance oversight functions and value of public sector audit committee
41	Legislation to clarify roles and functions of executive authorities and heads of department vis-a-vis appointments
42	Executive advice and directives to be channelled through Accounting Officer to have force and effect
43	Develop Code of Conduct for Special Advisors
Action on track (14 actions)	
1	Investigate all recommendations for criminal investigations and prosecutions
2	Investigate all recommendations for asset recovery
3	Identify and launch delinquency proceedings against SOE board members and employees
8	Investigations by the Independent Police Investigating Directorate
11	CIPC to conduct investigations into companies implicated in State Capture
24	NACAC to provide independent report on the SCC implementation
25	Consequence management for offences committed at SSA
29	Progress on SSA response plan to SCC recommendations
40	Changes to definitions to focus on material issues for audit findings
44	Review of legislation and regulations to align to National Framework towards the Implementation of Professionalization of the Public Sector
46	Tracking system for dismissals across government spheres and public enterprises
50	Determine whether Electoral Laws Amendment Bill satisfied the concerns raised by the State Capture Commission with regard to the electoral system.
54	Recommendations specifically directed to the President
59	Accountability for implicated directors and auditors
Action delayed but work proceeding (13 actions)	
7	Launch actions against SOE board members and employees with professional bodies
10	Conclude investigations into PRASA and determine need for new Commission
12	Disbarment of companies implicated in State Capture
15	Review effectiveness of the current system of suspicious transaction and cash threshold reporting
18	Introduce legislation to allow deferred prosecution agreements
20	Address concerns with respect to independence of the NPA, through introducing legislative amendments for appointment of NDPP to introduce greater transparency and consultation.
22	Amend SARS Act on appointment process for Commissioner and establish adequate oversight mechanisms.
35	Legislation governing banks to ensure fair hearing before closing accounts
45	Revisit the process of induction for new Ministers and reformulate the relevant sections of the Guide for Members of the Executive
48	Creation of a statutory offence for abuse of public power



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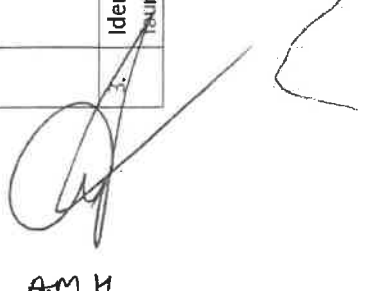
49	Sanction for constitutional and political malpractice to be considered
52	Lifestyle audit for Executive
56	Codify appointments for SOE boards
Actions requiring attention (4 actions)	
5	Referrals to Legal Practice Council
16	Resolve questions regarding the financial and administrative independence of NPA
57	Establishment of central database for SOE board appointments
58	Introduce independent panels for nomination of Boards and CEOs for State Owned Enterprises



DETAILED REPORTING ON THE 60 ACTIONS IN THE PRESIDENT'S RESPONSE AS AT 31 MARCH 2025

No.	Focus of Action	Action as described in President's Response	Responsible	Current Progress
1.	Investigate all recommendation for criminal prosecution	4. 1. All recommendations [for law enforcement agencies to investigate or prosecute] are currently receiving attention from law enforcement agencies, working in collaboration with other agencies, including the South African Revenue Services (SARS) and the Financial Intelligence Centre (FIC). A joint Task Force has been established to ensure coordination between the NPA Investigating Directorate (ID), SAPS Directorate for Priority Crime Investigation (DPCI), Asset Forfeiture Unit (AFU) and the offices of the Directors of Public Prosecutions who have jurisdiction over these matters.	Law enforcement Agencies	As of 31 March 2025, the Integrated Task Force has brought 42 recommendations to court, representing approximately 20.8% of the total criminal investigation recommendations. (The President's response identifies 202 recommendations from the State Capture Commission for criminal investigation.) These court cases have been consolidated into 11 matters involving 77 accused (49 individuals and 28 entities). To date, four have concluded with guilty verdicts: <ul style="list-style-type: none"> Free State Housing Project: Moses Mpho Mokoena (former HOD) received suspended sentences for PFMA/PRECCA violations Witness identity disclosure: Duduzile Myeni (deceased) was fined R120,000 SSA fraud: Accused received suspended 18-year sentence, subject to cooperation with on-going investigation PRASA fraud: Daniel Mthimkulu sentenced to 15 years imprisonment
2.	Investigate all recommendation for asset recovery	4.2 The State Capture Commission made 27 recommendations regarding the recovery of proceeds of crime and legal steps to be taken by certain entities themselves to recover funds. These recommendations are receiving priority attention from the NPA's Asset Forfeiture Unit (AFU) and the Special Investigating Unit (SIU).	Law enforcement Agencies	As of 31 March 2025 total amount recovered is R10.933 billion - (SIU) recoveries; R2.892 billion ; (AFU) recoveries: R8.040 billion Assets currently under restraint or preservation orders total R10.601 billion (Note: this is over and above the R4.8 billion rand recovered in unpaid taxes by SARS as a result of evidence presented to the Commission as reported in 2022/23)
3.	Identify and launch	4.3.8 Identify and launch delinquency proceedings against former board members of SOEs which fall	Department of Public Enterprises	A total of 71 director delinquency applications were launched by the former DPE and referred to CIPC based on State Capture

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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
	delinquency proceedings against SOE board members and employees	under their mandate, including Eskom, Transnet, SAA, Denel and Alexkor. Delinquency proceedings will be launched by 31 March 2023.		Commission evidence. CIPC has initiated 9 court proceedings across Denel (3 cases) and Eskom (6 cases). The remaining cases at Alexkor, SAA, and Transnet are paused pending court outcomes, additional evidence, or witness assistance. The breakdown by company includes Alexkor (22), Denel (9), Eskom (14), SAA (1), and Transnet (25). Legal proceedings continue where sufficient evidence exists.
4.	Referrals to audit and accounting professional bodies etc.	4.4.2 All relevant recommendations with respect to further investigation and possible action against individuals and entities for alleged violations of statutory or professional prescripts have been directed to bodies such the SA Institute of Tax Practitioners (SAIT), South African Institute of Chartered Accountants (SAICA), Independent Regulatory Board for Auditors (IRBA). The responsible government departments will engage with the relevant bodies to monitor implementation of these recommendations.	National Treasury	Investigations against three of the four individuals referred to the SA Institute of Tax Practitioners (SAIT), South African Institute of Chartered Accountants (SAICA), Independent Regulatory Board for Auditors (IRBA) have been concluded. The fourth is awaiting conclusion of investigations by law enforcement agencies. - Ms. Kwinana - SAICA Disciplinary Committee issued its Decision in the matter, found guilty of 13 of the 14 charges brought against her in terms of the SAICA Charge Sheet. In March 2025 the High Court as dismissed her appeal. Ms. Kwinana was fined R6.1 million, permanently barred from practicing as a chartered accountant in South Africa, and ordered to pay all associated legal costs. - Mr CIA Wolmarans and Mr D'Arcy-Herman were found guilty by the enforcement committee of The South African Institute of Tax Practitioners. - SAICA is awaiting the outcome of investigations by law enforcement agencies with regard to the recommendations regarding Mr Natasen.
5.	Referrals to Legal Practice Council	4.4.2 All relevant recommendations with respect to further investigation and possible action against individuals and entities for alleged violations of statutory or professional prescripts have been directed to bodies such the Legal Practice Council (LPC). The responsible government departments will engage with the relevant bodies to monitor implementation of these recommendations.	Department of Justice and Constitutional Development	The DOJ has referred six cases to the LPC. The status is reported as follows: 1. Adv. Memela: Applied for a review of the SCC report: DC still in abeyance 2. Mr. L Mbanjwa: Applied for a review of the SCC report: DC still in abeyance.

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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
		<p>The Minister of Justice has engaged the Legal Practice Council on referrals by the Commission for investigation of members of the legal fraternity. The Council is expected to determine whether these individuals should continue practicing as attorneys and advocates. Disciplinary cases are unfolding in these matters.</p>		<p>3. Mr. L D Mantsha: No evidence of misconduct and the case was dismissed.</p> <p>4. Brian Stuart Biebuyck: After discussion with the legal practitioner, the case was dismissed.</p> <p>5. Lawtons Inc.: After discussion with the legal practitioner, the case was dismissed.</p> <p>6. Refiloe Mokoena: The Investigating committee determined these are matters of evidence for court adjudication and dismissed the case.</p> <p>Further engagement is required with the Legal Practice Council for a fuller understanding of the outcomes arrived at.</p>
6.	Referral to South African Diamond and Precious Metals Regulator	<p>4.4.2 All relevant recommendations with respect to further investigation and possible action against individuals and entities for alleged violations of statutory or professional prescripts have been directed to bodies such as the South African Diamond and Precious Metals Regulator (SADPMR). The responsible government departments will engage with the relevant bodies to monitor implementation of these recommendations.</p>	Department of Mineral Resources	<p>The SADPMR conducted an inquiry in terms of section 79 of the Diamond Act to determine if all the buyers to whom Scarlett Sky Investments (SSI) sold rough diamonds to were in possession of the required licences, as per the required licences, as per the final report of the Judicial Commission of Inquiry into Allegations of State Capture. The findings of the inquiry are as follows:</p> <p>a) SSI traded with 101 businesses between March 2015 and January 2020;</p> <p>b) All the 101 businesses were in possession of the required licences as contemplated in Chapter IV of the Diamond Act;</p> <p>c) The SADPMR did not find any reason as per the recommendation of the Judicial Commission of Inquiry into Allegations of State Capture to refer any non-compliance with the Diamond Act by SSA, based on information it received from SSI pursuant to summons issued against it. The Regulator is assisting Law Enforcement Agency investigations into related matters.</p>
7.	Launch actions against SOE board members and employees with professional bodies	<p>4.3.8 In addition, some SOEs, including Eskom, Denel, SAA and Transnet, are taking steps against board members and employees implicated by the Commission in-wrongdoing. All actions against board members and employees will be launched by 31 March 2023.</p>	DPE	<p>In addition to previously recommended individuals, the (former) DPE has referred former SOC directors to professional bodies for possible code violations. 54 cases were distributed across SAICA (18), IRBA (16), ECSA (6), LPC (13), and HPCSA (1), involving directors from Alexkor, Denel, Eskom, SAA, and Transnet.</p>

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8.	4.5.2 Investigations by the independent police investigating directorate	Three recommendations arising from the Commission's investigation into the Vrede Dairy Project in the Free State called for independent investigation of abuses and non-responsiveness or inaction by the South African Police Service. These matters have been referred to the Independent Police Investigating Directorate (IPID), which has assigned a team of investigators to deal with these allegations. The team started its work in September 2022.	Independent Police Investigating Directorate	Current progress: SAICA closed all cases (may reopen later); IRBA confirmed jurisdiction on 3 cases; ECSA appointing investigator; LPC confirmed jurisdiction on 10 cases; HPCSA closed its case due to lapsed membership. Processing timelines vary by professional body, with some awaiting outcomes from law enforcement investigations. The March 2025 progress report from IPID indicates that 1 of the 3 investigations is still ongoing, with 2 cases having reached conclusion. Outstanding matters will continue to be followed up on.
9.	4.6.8 Issue proclamation for special investigation into PRASA	A proclamation will be issued to broaden the scope and set timeframes for an expanded SIU investigation into PRASA based on the evidence before the State Capture Commission. Additional dedicated resources will be brought in to augment the existing investigators who are also looking into other SOEs	DOI and Presidency	Proclamation for PRASA signed by the President on 31 January 2024 and subsequently published in Government Gazette No. 50129 of 16 February 2024. It authorizes the SIU to investigate PRASA's corrupt tender awards to Swifambo Rail and Siyangena Technologies, fraudulent insurance claims, and ghost employees identified in Project Zivise. The investigation covers misconduct between 2010-2024 and related matters. The SIU will identify systemic failures, make recommendations to prevent future losses, refer criminal evidence to the NPA, and can pursue civil action.
10.	4.6.8 Conclude investigations into PRASA and determine need for new Commission	A decision on the establishment of a commission of inquiry into PRASA will be held in abeyance until the completion of the investigations currently underway by the DPCI and SIU	DPIIC SIU Department of Transport	Expanded SIU investigation into PRASA has commenced following signing of Proclamation by President. Presidency will await final report from SIU as well as report from Department of Transport on PRASA Board review is required.
11.	4.7.2 CIPC to conduct investigations into	The Companies and Intellectual Property Commission (CIPC) has begun reviewing the compliance of companies implicated in the	Department of Trade, Industry and Competition	The CIPC has completed reviews for 10 private sector entities implicated in the State Capture Report, with 6 investigations still ongoing. Additionally, CIPC received 8 new referrals from the SIU


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	companies implicated in State Capture	Commission's report with CIPC requirements, whether there is inter-connectedness of directorships.		<p>related to private entities linked to SAA (currently under assessment).</p> <p>Closed Cases (10): LSG Skychefs (cooperated, submitted outstanding AFS), Bid Air Group (cooperated, noted post-State Capture resignations), Bid Air Cargo (same as Bid Air Group), PWC (implicated in Eskom audit irregularities but claimed executives misled them; matter managed by IRBA), Airbus Southern Africa (cooperated, no wrongdoing found), Albatime, Nzunzo Investments (linked to Bosasa; new director provided response), Glencore Operations SA (accused of political favouritism; cooperated, no material findings), Glencore Holdings SA (same as Glencore Operations), and EOH Holdings (linked to political loans; governance improved per Zondo Commission).</p> <p>Ongoing Cases (6): JM Aviation, Swissport SA, Nkonki Inc., Air Chefs, Hornix, and Blackhead Consulting.</p>
12.	4.7.3 Disbarment of companies implicated in State Capture	Action against other companies (following the action against Bain & Co implicated in the Commission's report is also being considered. Consideration is also being given to claims for civil damages against such companies.	National Treasury	The litigation by Bain on the constitutionality of the blacklisting process continues. Bain has filed a second supplementary affidavit on 3 March 2025. The National Treasury subsequently filed its answering affidavit on 14 April 2025. Bain's replying affidavit was due on 2 May 2025 but has requested extension to submit later.
13.	4.7.3 Engage overseas authorities for investigations into foreign companies implicated in State Capture	Investigative authorities overseas have been approached to investigate multinational companies involved in state capture.	Financial Intelligence Centre	<p>Engagements with Law Enforcement Agencies to assist in tracing offshore funds</p> <p>In alignment with the State Capture Commission (SCC) recommendations, the FIC has engaged the LEAs to provide assistance. These engagements resulted in the establishment of the 'Enablers Project', which aims to trace the flow of funds—some of which are linked to the recommendations outlined in paragraph 145 of the State Capture Report (Volume 6, Part II). The Enablers Project comprises various Law Enforcement Agencies (LEAs) and is responsible for fast-tracking investigations</p>


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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
14.	5.5.1. Amend PRECCA legislation to criminalise failure to prevent bribery	The recommendation to amend the Prevention and Combating of Corrupt Activities Act on the failure of persons or entities to prevent bribery will be included in the Judicial Matters Amendment Bill which will be submitted to Cabinet in the latter half of 2022.	Department of Justice and Constitutional Development	<p>into subjects mentioned in the SCC Report, including those specified in paragraph 145 of Volume 6, Part III.</p> <p>International Cooperation on Financial Investigations</p> <p>Prior to the release of the SCC recommendations, the FIC had already initiated requests for information from the countries cited in the SCC Report namely China, the United Arab Emirates (UAE), and Hong Kong regarding alleged offshore funds laundered through HSBC accounts via the UAE, China, and Hong Kong.</p> <p>Following the release of the SCC recommendations, the FIC submitted a follow-up request for information to UAE, China, India, and Hong Kong to further investigate the alleged offshore fund movements.</p> <p>Additionally, through its counterpart, the UAE Financial Intelligence Unit (FIU), the FIC has facilitated several meetings between the NPA's Investigating Directorate Against Corruption (NPA-IDAC) and the UAE Ministry of Justice to engage on the Mutual Legal Assistance (MLA) process in preparation for the South African MLA submission.</p> <p>The FIC has received multiple responses from authorities in the UAE, China, India, and Hong Kong regarding the alleged offshore fund laundering activities. These responses have been analysed and disseminated to the NPA's Asset Forfeiture Unit (NPA-AFU), NPA-ADEC), and the Directorate for Priority Crime Investigation (DPCI) to support the ongoing tracing of the alleged offshore funds.</p> <p>The Judicial Matters Amendment Act (Act 15 of 2023), commenced on 3 April 2024, strengthening anti-bribery provisions by creating a new corporate offence in the Prevention and Combating of Corrupt Activities Act (PRECCA) for failing to</p>



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15.	5.9.1 Effectiveness of the current system of suspicious transaction and cash threshold reporting	The Financial Intelligence Centre (FIC) has appointed attorneys to conduct an urgent independent review of the effectiveness of the current regulatory reporting regime under the FIC Act. It will also undertake a review of what banks had reported in relation to possible state capture transactions, what the FIC had done with the reports, what referrals the FIC had made to law enforcement agencies and what the law enforcement agencies had done with such referrals. The FIC briefed the attorneys on 26 August 2022 and is awaiting the project plan from the attorneys, which will include the duration of the review.	Financial Intelligence Centre	The final Independent Review Report was officially released to the Financial Intelligence Centre (FIC) on 29 March 2025. The report consists of two versions: a confidential version and a non-confidential version. The final Independent Review Report will be submitted to the Presidency before the end of the first quarter of 2025.
16.	5.2.19 Resolve questions regarding financial and administrative independence of NPA	To address concerns with respect to the independence of the NPA, legislative amendments will be introduced to introduce greater transparency and consultation in the process for selection and appointment of the NDPP, drawing on the process adopted for the selection of the current NDPP. Work will be undertaken to clarify the Minister's "final responsibility" over the NPA as set out in section 33 of the NPA Act and settling aspects related to the NPA's financial and administrative independence.	Department of Justice and Constitutional Development	The Presidency and the Department of Justice and Constitutional Development are still in a process of consultation in this regard.
17.	5.9.10 Legislative reforms to combat money laundering	The matter of statutory frameworks for financial information sharing partnerships has been included in the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill, which has been tabled in Parliament and is currently before the NA Finance Portfolio	National Treasury	South Africa was greylisted by the Financial Action Task Force in February 2023 after a 2019 evaluation revealed significant weaknesses in its anti-money laundering systems. The government responded with the General Laws Amendment Act, implementing key reforms including enhanced supervision of non-financial businesses, improved cross-border cash


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18.	5.5.14 Investigate legislation to allow deferred prosecution agreements	<p>The South African Law Reform Commission (SALRC) is considering deferred prosecution agreements as part of its review of the criminal justice system. This is a broad investigation that seeks to ensure efficiency in the adjudication and finalisation of criminal cases. It is expected to be finalised towards the end of the 2023/24 financial year. Deferred prosecution agreements will receive attention, in this review, during the current financial year.</p>	Department of Justice and Constitutional Development	<p>monitoring, and beneficial ownership transparency requirements. By February 2025, South Africa had addressed 20 of 22 required action items, with legislation currently before Parliament to resolve the remaining issues. The country is on track to be removed from the greylist by October 2025.</p> <p>The SALRC, as part of its work in the review of the criminal justice system and the Criminal Procedure Act, finalised a discussion paper on deferred prosecutions.</p> <p>The document was released to the public on 20 February 2025, and the closing date for comments was extended to 14 May 2025. Comments are being collated and analysed, and will be factored into the report by July 2025.</p>
19.	5.2.18 Investigating Directorate to be established as permanent entity	<p>The Investigating Directorate will be established as a permanent entity within the NPA and ID investigators will be provided with the requisite criminal investigatory powers as contemplated in the Criminal Procedure Act, Act No. 51 of 1977.</p>	Department of Justice and Constitutional Development	<p>The National Prosecuting Authority Amendment Act, 2024 (Act No. 10 of 2024) was signed into law by the President on 24 May 2024 and published in Government Gazette No. 50713 of 27 May 2024. This Act creates a permanent Investigating Directorate against Corruption ("IDAC"), that the present ID, established by Proclamation No. 20 of 2019, becomes part of.</p> <p>President signed the President's Minute for the commencement of the NPA Amendment Act No 10 of 2024 (except for section 8), on 15 August 2024. The commencement date for IDAC was 19 August 2024.</p> <p>The Act has been operationalised, save for provisions relating to the appointment of a Judge to oversee the complaints mechanism. The regulations in this regard are expected to be published by November 2025.</p>
20.	5.2.19 Legislative amendments for appointment of NDPP	<p>Legislative amendments will be introduced to introduce greater transparency and consultation in the process for selection and appointment of the NDPP, drawing on the process adopted for the selection of the current NDPP.</p>	Department of Justice and Constitutional Development	<p>The Presidency and the Department of Justice and Constitutional Development are still in a process of consultation in this regard.</p>

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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
21.	5.2.16 Research into establishment of an Anti-State Capture and Corruption Commission and Public Procurement Agency	The National Anti-Corruption Advisory Council (NACAC) will, in the course of its work to advise on strengthening the country's anti-corruption institutional arrangements, consider the detailed recommendations of the Commission on the establishment of an 'Anti-State Capture and Corruption Commission' and a 'Public Procurement Anti-Corruption Agency'. By the end of the current financial year (31 March 2023), the NACAC will have developed its plan, which will include research into the establishment of a permanent Anti-State Capture and Corruption Commission and Public Procurement Agency. Based on the advice of the NACAC and the outcomes of the review of South Africa's anti-corruption architecture by the Department of Justice, a comprehensive proposal on an effective and integrated anti-corruption institutional framework will be produced for public consultation, finalisation and implementation.	National Anti-Corruption Advisory Council Secretariat	<p>The National Anti-Corruption Advisory Council has concluded research into the institutional reform recommendations of the State Capture Commission and has crafted proposals currently under consideration.</p> <p>The Department of Justice and Constitutional Development will include the NACAC Recommendations in its work on review of the anti-corruption architecture, with a view to presenting a report to Cabinet by October 2025.</p>
22.	5.8.5 Amend SARS Act to give effect to Nugent Commission recommendations	The National Treasury has initiated the process to amend the SARS Act to implement the recommendations of the Nugent Commission, including providing for an open, transparent and competitive process for the appointment of the SARS Commissioner and the appointment of adequate oversight mechanisms such as an inspector general. Legislation will be tabled by June 2023.	National Treasury	The consultations with key stakeholders to ensure that that the proposals are crafted with the required circumspection continues. The target to complete the consultation process is the second quarter of the 2025/26 financial year, and to seek Cabinet approval on the proposed amendment by December 2025. The proposals include reviewing the appointment of the SARS Commissioner, Deputy Commissioner as well as enhancing governance mechanisms.
23.	5.7.8 Review whistle-blower protection laws and incentives	The Department of Justice has commenced a review of the Protected Disclosures Act and Witness Protection Act to, among other things, give effect to the following recommendations: - ensure whistle-blowers receive the protections afforded by section 32(2) of the UN Convention Against Corruption;	Department of Justice and Constitutional Development	The discussion document was released for public comment and inputs were received. Draft Bill is being prepared together with the costing of proposals. To be completed by October 2025



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		<p>- the possible award of a proportion of funds recovered to the whistle-blower provided that the information disclosed has been material in recovering funds;</p> <p>- whistle-blowers be afforded immunity from criminal or civil action arising from honest disclosures.</p> <p>The review, which will include consultation with stakeholders and the National Anti-Corruption Advisory Council, will be completed by the end of April 2023.</p>		
24.	7.1.9 Independent monitoring of the response	In its advisory role, NACAC will provide an independent annual report to the South Africa public on the progress made by the state in implementing the responses.	NACAC Secretariat	NACAC has partnered with a research institute to conduct the research and produce a report for consultation. This will be completed by August 2025.
25.	5.6.27 Consequence management for offences committed at SSA	<p>Several reports in relation to Project Veza have been completed and were shared with the NPA's Investigating Directorate (ID) in March 2021 for further investigation and possible prosecution. Subsequent to that, an independent forensic investigation firm was sourced to augment the capacity of the ID in November 2021. Consequence management is already being implemented through disciplinary action in SSA.</p>	State Security Agency	<p>The NPA's Investigating Directorate (ID) continues to work with the SSA on this matter. Those who have committed offenses are charged. The SSA has referred all cases between 2020 to 2024 to the NPA's Investigating Directorate Against Corruption (IDAC) for further investigation and possible prosecution. Three cases have been successfully finalised and the Agency has so far recouped R1.2 million through the Asset Forfeiture Unit.</p> <p>On 31 March 2025, it was reported that IDAC, working closely with the SSA, arrested a former senior official of NIA and former PAN agent for theft of R5.8 million and money laundering. The two appeared at the Pretoria Specialised Crimes Court and the matter was postponed to 23 June 2025 for pre-trial.</p> <p>The Minister has committed to establishing independent disciplinary panels chaired by senior counsel, to hold officials accused of corruption and misconduct accountable. •</p>
26.	5.6.29 Controls for cash and improved accountability	National Treasury is working with the Auditor-General and SSA on tightening financial controls, especially with respect to cash, and improving accountability through a multi-pronged audit	State Security Agency	This recommendation was implemented in 2022. Internal Audit continues to support AGSA in auditing operational environment. The Office of the Inspector General has signed a Memorandum of Understanding (MOU) with the Auditor-General. This MOU



No	Focus of Action	Action as described in President's Response process (involving the AGSA, IGI and SSA Internal Audit).	Responsible	Current progress
27.	5.6.24 Legislation to disestablish SSA and creation of new intelligence agencies	A new General Intelligence Laws Amendment Bill has been drafted and is expected to be tabled in Parliament before the end of this financial year. The Bill will amend the National Strategic Intelligence Act (39 of 1994), Intelligence Services Act (65 of 2002) and other relevant Intelligence laws so as to, among others, disestablish the SSA and establish a domestic intelligence service and foreign intelligence service in accordance with the Constitution. The amendment will also include provisions to strengthen the oversight of the intelligence agencies by bodies such as the Inspector General of Intelligence, the Joint Standing Committee on Intelligence and the Auditor General of South Africa.	State Security Agency	<p>ensures that the Inspector General gives quality assurance to Auditor-General as part of their oversight function.</p> <p>SSA has been working closely with the Reserve Bank to ensure accountability when it comes to cash held by SSA. The Reserve Bank grants approval yearly to the SSA to hold cash. As part of the approval, Executive Authority reports to the Reserve Bank on all transactions that have been processed in cash during the year; including any foreign payments made. AGSA auditing of Cash and Cash Equivalents has raised no negative findings in this regard.</p> <p>General Intelligence Laws Amendment Act 37 of 2024: Assented in March 2025 (not yet commenced). Disestablishes State Security Agency, creates South African Intelligence Service (foreign) and Intelligence Agency (domestic). Grants Inspector-General and NICOC Coordinator powers to appoint staff and determine structures. Parliament appropriates budgets for both offices.</p> <ul style="list-style-type: none"> The budget of the office of the IG will be appropriated by Parliament as part of the budget of the Intelligence Services and will be expended according to the rules and procedures set out in the PFMA, 1999
28.	5.6.30 Implementation of gun control directives	The SSA has finalised and is implementing new gun control directives for the agency in line with applicable laws	State Security Agency	Directives pertaining to the methods and practices in the areas of possession, training and storage of official firearms and ammunition were approved on 29 May 2023 and are being implemented. These are in line with applicable laws.
29.	5.6.28 Progress on SSA response plan to SCC recommendations	State Security Agency has developed and is implementing a comprehensive response plan to address the recommendations of the Commission.	State Security Agency	State Security Agency continues to implement a comprehensive response plan to address the recommendations of the Commission. Of which the remainder of these recommendations are subject to the commencement of the GILAA, 2024.


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30.	5.6.28 Resuscitation of systems and control measures to prevent peddling of fabricated information	The peddling of fabricated information has been counteracted by the resuscitation of systems and control measures in the SSA.	State Security Agency	On 27 January 2023, the Director-General issued a reviewed and strengthened Standard Operating Procedure (SOP) on the Clearance and Dissemination of Intelligence Products. This SOP serves as a clearance and quality control mechanism for all types of intelligence products, ensuring oversight throughout the compilation, quality control, editing, clearance, recording, and distribution processes. To reinforce adherence to these protocols, the agency has introduced training and refresher programmes aimed at enhancing members' awareness of national security requirements and intelligence information management. Additionally, policies have been further enhanced to mitigate risks associated with the dissemination of fabricated information.
31.	5.6.25 Review of Intelligence Services Act to give effect to principle that no member of Executive should be involved in operational matters of SSA	It is necessary to reaffirm the principle that no member of the Executive responsible for intelligence, whether the President, Minister or Deputy Minister, may be involved in the operational matters of the SSA. The review of the Intelligence Services Act that is currently underway will consider how to give practical effect to this principle.	State Security Agency	The GILAA, 2024 was assented to on 25 March 2025. Section 10 of the Intelligence Services Act, 2002 (as amended) now provides that: "The Director-General concerned or the Executive Director as the case may be, may, in a prescribed manner, subject to the provisions of this Act and in consultation with the Minister, issue functional directives applicable to-" The amendment requires functional directives to be issued "in consultation", and no longer subject to the "approval" of the Minister. This is a substantive change to the dispensation.
32.	5.6.31 Review of SSA human resource directives to align with SCC recommendations on recruitment criteria	The SSA is reviewing human resource directives to ensure they are in line with the Commission's recommendations on recruitment criteria. This is expected to be completed by March 2023.	State Security Agency	The Human Resources directives are currently awaiting approval of the Minister. The GILAA, 2024 was assented to on 25 March 2025. In terms of section 40(10) Any regulation issued in terms of section 37 of the Intelligence Services Act, 2002 shall remain in force for a period of 12 months after the commencement of the GILAA, 2024 unless inconsistent with the Act.
33.	5.6.32 Tabling of National Security Policy and Strategy	New National Security Policy and Strategy documents have been drafted and presented to the National Security Council. The policy, which returns to the principles of the White Paper on Intelligence,	State Security Agency	The National Security Strategy (NSS) was approved by the Cabinet in March 2024 following extensive consultations in 2022 and 2023 with various structures, including amongst others, the Cabinet Committees, the Joint standing Committee on

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	documents to Parliament	will be recommended to Parliament for the commencement of public consultations before the end of this financial year.		Intelligence (JSCI) and the National Security Council (NSC). The recommendation of a public version of the NSS was also endorsed by the Cabinet. NICOC has completed the drafting of a public version of the NSS, and forwarded to the Minister in the Presidency Responsible for State Security. The Minister is engaging in consultations before the release of the document, in order to ensure adherence to section 5A(1) of the National Strategic Intelligence Act, 1994 (Act 39 of 1994)
34.	5.5.15 Disbarment of bidders or suppliers	Public Procurement legislation will include provision to issue disbarment order against bidder or supplier	National Treasury	The Public Procurement Act was enacted on 23 July 2024 and provides for comprehensive procedures for the disbarment of bidders or suppliers who contravened a provision of this Act. The commencement of the Act is awaited.
35.	5.9 Legislation governing banks to ensure fair hearing before closing accounts	With respect to the recommendation that banks be required to follow a fair process when considering the closure of a client's accounts, National Treasury will review whether the current standards need to be strengthened to better protect retail customers from bank closures from a financial inclusion perspective, to the extent that they comply with anti-money laundering legislation and other applicable laws.	National Treasury	The regulatory powers that will strengthen the current Conduct Standard are entrenched in the Conduct of Financial Institutions (COFI) Bill. The COFI Bill will be tabled in Parliament in the 2025/26 financial year as the process is at an advanced stage. The department aims to secure Cabinet approval before 31 March 2025, with the actual tabling in Parliament expected in April or May 2025. The regulatory powers that will strengthen the current Conduct Standard are entrenched in the Conduct of Financial Institutions (COFI) Bill. National Treasury submitted the Bill to Office of the Chief State Law Adviser in January 2025 for a preliminary opinion to obtain Cabinet's approval to introduce the Bill in Parliament. NT received the requested opinion first week of May 2025. Cabinet's approval is to be obtained in 2nd quarter of 2025.
36.	5.3.18 Legislative amendment to ensure appointment of	Government is giving consideration – through the draft Public Procurement Bill and amendments to the PFMA – to prohibiting the awarding of a tender unless the responsible official has satisfied themselves that the service provider is qualified. It	National Treasury	The Public Procurement Act (2024) prohibits the awarding of a tender unless the responsible official has satisfied themselves that the service provider is qualified. On 23 July 2024 President Cyril Ramaphosa signed the Public Procurement Act into law. The commencement of the Act is awaited.

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	qualified service providers	is also considering the recommendation that no service provider may be awarded a tender or may conclude any contract with a public institution unless it has produced proof of relevant qualifications, skills experience or expertise required to perform the work. It is intended that this legislation be sent to Parliament before the end of this financial year.		
37.	5.3.16 Procurement Bill to include list of specific reforms from Commission	The Public Procurement Bill is expected to be finalised and submitted to Parliament by March 2023. The Bill will address the Commission's recommendations with respect to: a Code of Conduct setting out the ethical standards which apply in the procurement of goods and services for the public; protecting Accounting Officers or Accounting Authorities from criminal or civil liability for anything done in good faith unless such person acts negligently; harmonisation of the legislation applying to public procurement; better guidance and training of public procurement officials; regulations to provide clear guidance on the processes to be followed when procuring from a sole source; setting standards of transparency for inclusion in every procurement system; providing appropriate management, contracting, reporting and enforcement guidelines for those who implement projects on behalf of government; ensuring compliance with transformation imperatives; institutionalising lifestyle audits for all senior managers and officials involved in supply chain	National Treasury	On 23 July 2024 President Cyril Ramaphosa signed the Public Procurement Act into law. The Act addresses the list of recommendations. The commencement of the Act is awaited. Code of Conduct: Implemented in Public Procurement Act (2024), Sections 9-10 mandate compliance with prescribed ethical standards. Protection for Officials: Section 58 shields officials from liability for good faith actions. Legislative Harmonisation: Act creates unified framework, repealing multiple previous laws including State Tender Board Act and PPPFA. Official Guidance/Training: Public Procurement Office established to guide, support, and train procurement officials (Section 5). Sole Source Regulation: Minister to prescribe procedures; Act allows regulated sole source procurement rather than prohibition. Transparency Standards: Electronic system mandated (Section 28) with public access requirements (Sections 30-31). Implementation Guidelines: Statutory obligations for guidance, management frameworks, and accountability mechanisms included. Transformation Compliance: Section 26(1)(f) enables contract cancellation for non-compliance; enforcement through debarment provisions.



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38.	5.5.16 Review of Treasury Instruction on restriction of bidders or suppliers	<p>management; the establishment of a professional body to which all public procurement officials.</p> <p>Pending the processing of the Public Procurement Bill and its enactment and commencement, National Treasury will review the current Treasury Instruction on the restriction of bidders or suppliers if an institution fails to act to provide the authority to the relevant treasuries to do so. It is anticipated that this will be completed by January 2023.</p>	National Treasury	<p>Lifestyle Audits: Implemented for national and provincial departments since 2021. The eDisclosure system covers senior managers and supply chain officials. Three-tiered approach (review, investigation, evaluation) identifies discrepancies between declared assets and visible lifestyle. Professional Body: Framework established through PPO responsibilities and ministerial powers to set competency requirements.</p> <p>The Public Procurement Act was enacted on 23 July 2024. Section 15 provides for comprehensive procedures for the disbarment of bidders or suppliers who contravened a provision of this Act. The development of regulations to the Act is underway and is envisaged to be promulgated during the third quarter of the 2025/26 financial year. The President will thereafter determine the effective dates of various provisions of the Act in terms of Section 69 of the Act thereof. The current regulatory framework (Instruction Note 3 of 2021/22) will continue to apply pending the finalisation of the regulations.</p>
39.	5.4.15 Enhance oversight functions and value of public sector audit committees	<p>The National Treasury has partnered with academia on a comprehensive research project to enhance the oversight function and value of South Africa's public sector audit committees. The findings of this research will inform legislative reforms needed to pave the way for substantive overhaul of the functioning of audit committees. These amendments will be aligned to the current review of the PFMA.</p> <p>The review of the respective roles of the Auditor-General and private auditors as well as recommendations on the public sector audit committees outlined are expected to be completed by 30 September 2023.</p>		<p>The National Treasury's research project conducted, in partnership with the University of South Africa (Unisa) and the Tshwane University of Technology (TUT), on the enhancement of the oversight functions and value has been completed. The findings will be considered during the review of the PFMA / MFMA to overhaul the functioning of the audit committees. Work on the PFMA Amendments Bill will continue in the 1st quarter of the 2025/2026 financial year.</p>



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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
40.	6.1.8 Changes to definitions to focus on material issues for audit findings	The National Treasury and the AGSA are working together to review the usefulness of the concept of irregular expenditure, and to focus on identifying corrupt or suspicious expenditure, or expenditure made in bad faith. This is part of an effort to address the Commission's recommendation cited in paragraph 5.3.2.3 above and return to the original intent of the PFMA to let managers manage, while holding them accountable.	National Treasury	The reporting of irregular and fruitless and wasteful expenditure has been prescribed in Instruction No. 4 of 2022/2023 and linked to a chapter in the annual report wherein institutions are required to disclose matters pertaining to the details of irregular and fruitless and wasteful expenditure in their annual report and report what was incurred in the period under review in their annual financial statements. These definitions have been taken up in the draft amendments of the PFMA and MFMA, which have been prepared for public comment with the intention of presenting to Parliament in 2026.
41.	6.2.8 Professionalisation of the public administration – legislation	To clarify the relationship between political authority and the institutions they oversee, the following measures will be undertaken: -legislating more clearly, through the Public Service Amendment Bill, the respective roles and functions of executive authorities and heads of department. The role of the executive authority will be more strategic while the head of department will be responsible for administrative matters pertaining to the department. It is envisaged that the Amendment Bill will be submitted to Parliament in the 2022/2023 financial year;	Department of Public Service and Administration	The NCOP Order Paper dated 30 July 2024 has revived the Public Service Amendment Bill. The NCOP will deliberate further and consult on the Public Service Amendment Bill. The processing of the Public Service Amendment Bill is subject to the parliamentary process, and the DPSA will support the NCOP during the deliberation and consultation processes as and when needed.
42.	6.2.8 Professionalisation of the public administration – executive advise and directives to be channelled through Accounting Officer to have force and effect.	To clarify the relationship between political authority and the institutions they oversee, the following measures will be undertaken: -requiring that executive advice and directives need to be channelled through Accounting Officers to have force and effect. This would prevent the proliferation of conflicting instructions to officials and interference by executive authorities in the operational matters of departments and agencies and municipalities. - making it an explicit requirement that executive authorities are legally obliged to record in writing all directives and advice to Heads of Department		The Public Service Amendment Bill was introduced to Parliament on 19 May 2023. The Public Service Act, 1994, is being amended to require that where a HOD fails to fulfil an obligation or a responsibility in terms of the Act, the executive authority may, in writing, require the HOD to comply. By the proposed devolution of powers (through the amendments to the Public Service Act), the HOD exercises all administrative powers unless delegated and therefore the instruction to other officials will not have any authority. The review of the Regulatory Framework will look at other measures to strengthen existing provisions. The NCOP Order Paper dated 30 July 2024 has revived the Public Service Amendment Bill.


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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
43.	6.2.8 Develop Code of Conduct for Special Advisers	<p>and Accounting Officers, as well as any other officials or holders of office in a public entity. This should include the outcomes of any meetings with such officials, and any verbal directive that has not been reduced to writing should be regarded by officials as having no force or effect;</p> <p>To clarify the relationship between political authority and the institutions they oversee, the following measures will be undertaken:</p> <ul style="list-style-type: none"> - developing a code of conduct for special advisers that clarifies the role of advisers and reinforces the existing provisions that there shall be no relationship of authority between the Special Adviser and the Head of Department concerned, and that the Special Adviser shall refrain from interfering in the administration and management of the department; 	Department of Public Service and Administration	The Code of Conduct for Special Advisers has been developed. The Code further clarifies the role of Special Advisers as contemplated in section 12A of the Public Service Act. The Code was submitted to the Cabinet as part of approval of the Dispensation for Appointment and Remuneration of Special Advisers.
44.	6.2.1 Review of legislation and regulations to align to National Framework towards the Implementation of Professionalization of the Public Sector	<p>A key mechanism of state capture was the strategic positioning of individuals in positions of power through the abuse of public sector appointment and dismissal processes. This was in contravention of the Constitution and applicable legislation. An important instrument to address this issue is the National Framework towards the Implementation of Professionalisation of the Public Sector, which was adopted by Cabinet on 19 October 2022. The Framework makes specific proposals to stabilise the political-administrative interface, ensure merit-based recruitment and selection and more effective consequence management. All public sector legislation governing professionalisation will be reviewed and, where necessary, amended to align with this Framework.</p>	Department of Public Service and Administration	A multi-disciplinary Task Team has been set up to ensure that the key areas of reform in the public sector identified in the National Framework are addressed and aligned to the Public Service Regulatory Framework.
45.	6.2.8 Revisiting the process of	To clarify the relationship between political authority and the institutions they oversee, the	Presidency	Induction of new Ministers completed. Revision of Guide for Members of the Executive is allocated to task team with a


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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
	<p>induction for new Ministers and reformulating the relevant sections of the Guide for Members of the Executive.</p>	<p>following measures will be undertaken: - Revisiting the process of induction for new Ministers and reformulating the relevant sections of the Guide for Members of the Executive. This is expected to be completed by the end of this financial year;</p>		<p>project plan developed for task to be concluded in current financial year</p>
46.	<p>4.8.17 Tracking system for dismissals across government spheres and public enterprises</p>	<p>There is currently no centralised register of people who have been dismissed from organs of state or those that have resigned to avoid being disciplined. The DPSA, COGTA, the Department of Public Enterprises and the National Treasury have been directed to collaborate to design and implement appropriate solutions to address this challenge. The developed mechanisms will be rolled out across government in April 2023.</p>	<p>Department of Public Service and Administration Department of Cooperative Governance Department of Public Enterprises National Treasury</p>	<p>Draft Public Administration Management Regulations for the Central Register was published for public comment in the Government Gazette of 24 January 2025. Inputs will be considered, and the Regulations will be submitted for the approval of the Minister for Public Service and Administration following prescribed procedure. This will legally establish a uniform approach across the Public Administration on the use of the Register.</p>
47.	<p>5.5.13 Amend the Political Party Funding Act</p>	<p>The recommendation to amend the Political Party Funding Act to criminalise donations to political parties in the expectation of access to procurement tenders or contracts is accepted. This amendment will be made alongside other consequential amendments that will be required following the approval of the Electoral Amendment Bill currently before Parliament.</p>	<p>Department of Home Affairs</p>	<p>The Electoral Matters Amendment Act (Act 14 of 2024) amended the Political Party Funding Act to make it an offense – punishable with a fine, imprisonment or both – where donations are made to gain political influence and favour. Specifically, it criminalizes donations to political parties, members, independent candidates, or representatives made with the expectation that they will influence the awarding of tenders, licenses, approvals, or other government decisions. The Act commenced on May 8, 2024.</p>
48.	<p>5.11.3 Creation of a statutory offence for abuse of public power</p>	<p>The Department of Justice and Constitutional Development will research possible legislative provisions for the creation of a statutory offence for the abuse of public power. This work will be finalised by mid-December 2023.</p>	<p>Department of Justice and Constitutional Development</p>	<p>The recommendations of the South African Law Reform Commission (SALRC) are under discussion and evaluation in the Department of Justice. This process is expected to produce a draft bill by November 2025.</p>
49.	<p>5.12.5 Sanction for constitutional and political</p>	<p>The Department of Justice and Constitutional Development has been directed to undertake research of the creation of an offence of political or</p>	<p>Department of Justice and Constitutional Development</p>	<p>Recommendations of the South African Law Reform Commission (SALRC) under discussion and evaluation in the Department of Justice. This is expected to be completed by November 2025</p>


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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
50.	<p>malpractice to be considered</p> <p>5.10.11 Determine whether Electoral Laws Amendment Bill satisfied the concerns raised by the State Capture Commission with regard to the electoral system.</p>	<p>constitutional malpractice. It will be completed by December 2023.</p> <p>Noting that a part of the electoral reforms proposed by the Commission are currently under consideration in Parliament in relation to the Electoral Laws Amendment Bill and considering that Parliament has a court prescribed deadline to approve the Bill by 10 December 2022, it will be necessary to await the finalisation of the Bill before determining whether it satisfies the concerns raised by the Commission.</p>	Department of Home Affairs Presidency	The process for review of electoral system required by section 23 of the Electoral Amendment Act is currently underway. The terms of reference of the Electoral Law Review Panel were extended to 31 August 2025 to allow for the public consultation processes to conclude. The Panel concluded its public engagements with a national conference in April 2025. The draft report of the Panel is expected on 31 July 2025.
51.	<p>5.15.32 Leader of Government Business to interact with Parliament's Presiding Officers on the recommendations that relate to the interface between Parliament and the Executive</p> <p>5.3.19 Lifestyle audit for executives</p>	<p>The Leader of Government Business will interact with Parliament's Presiding Officers on the recommendations that relate to the interface between Parliament and the Executive (set out in section 5.15 of the President's Response)</p>	Presidency	Parliament has published its response to the recommendations of the Commission. Engagement between Leader of Government Business and Presiding Officers on relevant recommendations have taken place.
52.	5.3.19 Lifestyle audit for executives	The implementation of lifestyle audits for members of the National Executive will be undertaken by an independent external service provider and will be managed by the Office of the Director-General in the Presidency.	Presidency	The Presidency has developed the methodology for conducting lifestyle audits for the Members of the Executive. The 6th Administration Members of the Executive submitted their financial interest disclosures to the Registrar of Financial Interest for Members of Executive by 24 May 2024. However, due to the transition to the 7th administration the new Members of the Executive had to submit their financial interest disclosures by 02 September 2024. The process of verification and analysis of information is underway.
53.	5.15.34 Funding of parliament	To ensure that Parliament is sufficiently resourced to hold the Executive to account, the National	National Treasury	Budget allocation confirmed in the 2023/24 Budget.



No	Focus of Action	Action as described in President's Response	Responsible	Current progress
		Treasury will engage with Parliament to determine the most appropriate way to give effect to the Commission's recommendations on the funding of Parliament.		
54.	5.13.10 Recommendations specifically directed to the President	In exercising his powers with respect to the appointment and dismissal of members of the Executive, the President is taking the Commission's findings, recommendations and observations about particular individuals into account and consideration, as well as the status of relevant legal processes, as such matters arise.	Presidency	President Ramaphosa reaffirmed in Parliamentary reply on 19 March 2024 that any action against members of his executive will be informed by the outcomes of the processes undertaken by law enforcement.
55.	5.5.11 Amend Companies Act for declaring delinquent directors	The recommendation to amend the Companies Act so as to permit applications for a director to be declared delinquent to be brought even after two years is accepted and will form part of a review of the Companies Act that is expected to be concluded in the third quarter of 2023.	Department of Trade, Industry and Competition	The Companies Second Amendment Act (Act 17 of 2024), assented to on July 24, 2024 and commenced on December 27, 2024, extending the time limits for delinquency proceedings against directors implicated in serious misconduct.
56.	5.4.21 Codify appointments for SOEs	A State-Owned Enterprises Bill and its regulations will codify the appointment process so that the principles and process become legally binding and that sanctions for non-compliance are put in place. The Bill has been developed and is currently in the process of consultation. It is anticipated that the Bill will be finalised in the 2022/23 financial year.	Department of Public Enterprises	The National State Enterprises Bill (B1-2024) Proposes the establishment of the State Asset Management SOC Ltd to centralize SOE governance, with merit-based board appointments via an independent panel to enhance transparency and accountability. The Bill was formally submitted to Parliament on 25 January 2024 and is currently with the Portfolio Committee on Planning, Monitoring and Evaluation. Following the call for public comments (closed 14 February 2025), the Committee is now reviewing submissions received from stakeholders and the public before proceeding with further deliberations.
57.	5.4.20 Establishment of central database for SOE board appointments	Government will establish a central database of potential candidates that can be appointed to the boards of SOEs. In terms of this process, an advertisement will be issued requesting nominations of potential candidates, who will be screened and vetted. In some instances, it would be necessary to ask professional bodies to propose names. The successful candidates will be part of the	Department of Planning, Monitoring and Evaluation (following dissolution of Department of Public Enterprises)	The creation of the central database will be regulated by the Regulations to be developed once the National Public Enterprises Bill becomes an Act. (The formation of a Task Team under the SCC Steering Committee is being considered to accelerate this work.)



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No	Focus of Action	Action as described in President's Response	Responsible	Current progress
58.	5.4.19 Introduce independent panels for nomination of candidates and CEOs for SOE boards (as part of 'Guide for the Appointment of Persons to Boards and Chief Executive Officers of State-Owned and State-Controlled Institutions')	Provision will be made in the final 'Guide for the Appointment of Persons to Boards and Chief Executive Officers of State-Owned and State-Controlled Institutions' for independent panels of relevant stakeholders and experts to play a role in nominating suitable candidates to the relevant minister. It is anticipated that the guide will be finalised in the 2023/24 financial year.	Department of Planning, Monitoring and Evaluation (following dissolution of Department of Public Enterprises)	The development of the Guide will be regulated by the Regulations to be developed once the National Public Enterprises Bill becomes an Act. The formation of a Task Team under the SCC Steering Committee is being considered in order to address this action.
59.	4.7.5 Oversight on compliance by directors and auditors	The CIPC will provide quarterly reports on the progress made on holding directors and auditors accountable for their compliance with company law requirements.	Department of Trade, Industry and Competition	Latest quarterly report indicates CIPC received a referral from SIU and is currently investigating for potential delinquency proceedings. Evidence gathering is ongoing, and CIPC cannot identify specific individuals until consultation with Senior Counsel is completed. CIPC confirms that beneficial ownership filing requirements have been enforced on all implicated entities.
60.	5.4.18 Prohibition board members and Ministers	In line with good governance practices, no board member will be allowed to be operationally involved in procurement processes beyond playing	Department of Public Enterprises	The Memoranda of Incorporation for State Owned Companies were reviewed to the effect that they do not provide for the establishment of the Board Procurement Committee and



No.	Focus of Action	Action as described in President's Response	Responsible	Current progress
	involvement in operational or procurement in SOEs	an oversight role. Ministers will be prohibited from playing any role in procurement within SOEs.		enabling the Minister's involvement in the procurement processes


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ANNEXURE B – STATUS OF NEW LAWS AND LEGISLATIVE AMENDMENTS (May 2025)

No.	Legislation	Category	Current Status	Key Provisions
1	General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act (22 of 2022)	Commenced	Enacted: December 2022; Commenced: December 2022 and April 2023	Amended the Companies Act, Trust Property Control Act, Non-profit Organizations Act, Financial Intelligence Centre Act, and Financial Sector Regulation Act; Addresses recommendations regarding preventing money laundering and improved coordination to detect financial crimes
2	Electoral Laws Amendment Act (1 of 2023)	Commenced	Enacted: April 2023; Commenced: June 2023	Provides for independent candidates in the National Assembly and provincial legislatures; Requires the establishment of the Electoral Reform Consultation Panel
3	Judicial Matters Amendment Act (15 of 2023)	Commenced	Enacted: April 2024; Commenced: April 2024	Included amendment to PRECCA (Prevention and Combating of Corrupt Activities Act) on the failure of persons or entities to prevent bribery; Strengthens anti-corruption measures within the private sector
4	NPA Amendment Act (10 of 2024)	Commenced	Enacted: May 2024; Commenced: August 2024	Establishes the Independent Directorate Against Corruption (IDAC); Creates a prosecutor-led unit within the NPA to investigate corruption and state capture
5	Electoral Matters Amendment Act (14 of 2024)	Commenced	Enacted: May 2024; Commenced: May 2024	Criminalizes donations to political parties or independent candidates made with expectation of access to tenders, licenses or other benefits; Incorporates changes to Political Party Funding Act
6	Companies Second Amendment Act (17 of 2024)	Commenced	Enacted: July 2024; Commenced: December 2024	Extends the time bar period for bringing an application to declare a director of a company delinquent; Enhances delinquency processes in response to the Judicial

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No.	Legislation	Category	Current Status	Key Provisions
				Commission of Inquiry into State Capture
7	Public Procurement Act (28 of 2024)	Enacted	Enacted: July 2024; Not yet commenced	Introduces a single procurement framework, transparency and digitalization requirements; Harmonizes laws related to procurement across all spheres of government; Establishes the Public Procurement Office within National Treasury; Creates an independent Public Procurement Tribunal
8	General Intelligence Laws Amendment Act (37 of 2024)	Enacted	Enacted: March 2025; Not yet commenced	Implements recommendations related to the State Security Agency; Disestablishes the State Security Agency; Establishes separate domestic intelligence service and foreign intelligence service
9	Public Service Amendment Bill (B13-2023)	Before Parliament	Before National Council of Provinces	Devolves administrative powers from political executives to heads of departments; Creates a Head of Public Administration by augmenting the powers of the DG: Presidency; Enhances professionalization and reduces political interference in public service operations
10	Public Administration Management Amendment Bill (B10-2023)	Before Parliament	Before National Council of Provinces	Strengthens anti-corruption measures by expanding prohibitions on public servants conducting business with the state; Enhances financial disclosures; Empowers the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (TAU)
11	National State-Owned Enterprises Bill (B1-2024)	Before Parliament	Before National Assembly	Proposes the establishment of the State Asset Management SOC Ltd to centralize SOE governance; Requires merit-based board appointments via an independent panel;

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No.	Legislation	Category	Current Status	Key Provisions
				Codifies the appointment process of SOE Boards to make principles and processes legally binding
12	NPA Independence (NDPP Appointment)	Under consideration		DoJ&CD raised concerns regarding legislation conflicting with Constitution that empowers the appointment of the NDPP". This question is being considered.
13	Whistle-blower Protection Reforms	Under Development	Review published for public comment; Costing exercise underway	Proposes changes to Protected Disclosures Act and Witness Protection Act; Would strengthen protections under UN Convention Against Corruption
14	SARS Act Amendment	Under Development	Process initiated by National Treasury; Consultation process to be completed in Q2 2025/26; Cabinet approval targeted by December 2025	Implements recommendations of the Nugent Commission; Provides for open, transparent and competitive process for the appointment of the SARS Commissioner; Establishes adequate oversight mechanisms such as an inspector general
15	Legislation on Deferred Prosecutions	Under consideration	Research paper completed; SALRC discussion paper submitted to Department	Would establish framework for deferred prosecution agreements; Aimed at improving efficiency in adjudicating and finalizing criminal cases; Part of broader SALRC review of criminal justice system
16	Legislation to criminalize abuse of public power	Under consideration	Research paper completed	Would create a statutory offense specifically for abuse of public power; Aimed at prosecuting corrupt public officials; Extensive comments received from SALRC Commissioners required further research and development
17	Sanctions for constitutional and political malpractice	Not proceeding	Research paper completed	Recommendations of the South African Law Reform Commission (SALRC) under discussion and evaluation in the Department of Justice

No.	Legislation	Category	Current Status	Key Provisions
				This is expected to be completed by November 2025
18	Central Register for Disciplinary Cases	Additional Measure	Draft Public Administration Management Regulations published for public comment (January 2025)	Creates a centralized register of people dismissed from organs of state or who resigned to avoid disciplinary procedures; Establishes a uniform approach across public administration for using the register; Will legally establish a mechanism to prevent re-employment of offenders across government


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ANNEXURE C – CASES IN COURT

Update on enrolled SCC Recommendations as at 31 March 2025

NPA Investigating Directorate Against Corruption Cases in Court

No	Case Name	Case Ref. Number	Recommendation UI	Names of accused persons in court	Status / Update
1.	Transnet Transaction Advisory Contract (Fraud, Theft, Money Laundering and PFMA)	JHB Central CAS 465/10/2019	ZCR0057 ZCR0081 ZCR0083 ZCR0084 ZCR0085 ZCR0086 Part 2, Vol 1 (Page 171 – 495)	<ol style="list-style-type: none"> 1. Kubentheran Moodley 2. Albatime (Pty) Ltd 3. Eric Wood 4. Siyabonga Gama 5. Garry Pita 6. Daniel Roy 7. Phetolo Ramosebudi Pillay 8. Magandheran "Niven" Pillay 9. Litha Mveliso Nyhonhya 10. Regiments Capital (Pty) Ltd 11. Brian Molefe 12. Anoj Singh 13. Mckinsey And Company 14. Trillian Asset Management (Pty) Ltd 15. Trillian Capital Partners (Pty) Ltd <p>15 accused – 10 natural persons, 5 juristic persons</p>	<ul style="list-style-type: none"> • On 31 January 2025, the matter was remanded to 02 February 2026 for Trial. <p>AFU</p> <ul style="list-style-type: none"> • Restraint order to the value of R1.08 billion granted.
2.	Bosasa – Main (Fraud and Corruption))	Sandton CAS 302/12/2018 PTA Central CAS 1556/2/2012	ZCR0111 ZCR0112 ZCR0113 ZCR0115 ZCR0119 ZCR0121 ZCR0122 ZCR0143 Part 3, Vol 2 (Page 362 – 925)	<ol style="list-style-type: none"> 1. Angelo Agrizzi 2. Linda Morris Mti 3. Patrick O Connel Gillingham 4. Andries Johannes Van Tonder <p>4 accused – all natural persons</p>	<ul style="list-style-type: none"> • The case has been postponed to 12 June 2025 for pre - trial. <p>AFU</p> <ul style="list-style-type: none"> • Uncapped Restraint Order granted on 24 July 2024.
3.	Bosasa - Vincent Smith (Fraud and Corruption)	Sandton CAS 302/12/2018	ZCR0127 ZCR0309 Part 3, Vol 2 (Page 362 – 925)	Vincent Smith 1 Accused – natural person	<ul style="list-style-type: none"> • The case has been postponed to 14 April - 30 June 2025 for trial. <p>AFU</p> <ul style="list-style-type: none"> • Uncapped Restraint Order granted on 24 July 2024.



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No	Case Name	Case Ref. Number	Recommendation UI	Names of accused persons in court	Status / Update
4.	Bosasa - Desmond Nair (Fraud and Corruption)	Silverton CAS 121/02/2019	ZCR0106 Part 3, Vol 2 (Page 362 – 925)	Desmond Nair <i>1 Accused – natural person</i>	<ul style="list-style-type: none"> The matter was in court on 05 March 2025 and has been postponed to 09 April 2025 for a response to the Section 342A application. <p>AFU</p> <ul style="list-style-type: none"> Application for recovery to be lodged upon sentencing.
5.	Estina (Fraud, Corruption, Money Laundering, PFMA)	Parkroad CAS 200/07/2017	ZCR0288 ZCR0305 ZCR0307 Part 6, Vol 1 (Page 90 – 201)	<ol style="list-style-type: none"> Mbana Peter Thabethe Seipaiti Silvia Dhlamini Takisi Jankie Masiteng Kamal Vasram Estina (Pty) Ltd Mosebenzi Zwane Ronica Ragavan Ugeshni Naidoo (Née Govender Sahara Computers (Pty) Ltd Aerohaven Trading (Pty) Ltd Oakbay Investments (Pty) Ltd Linkway Trading (Pty) Ltd Islandsite Investments 180 (Pty) Ltd Westdawn Investments (Pty) Ltd Mabengela Investments (Pty) Ltd Confident Concept (Pty) Ltd <p><i>16 accused - 7 natural persons, 9 juristic persons</i></p>	<ul style="list-style-type: none"> On 05 August 2024, the defence launched a Section 342A application to remove the matter from the court roll. On 07 August 2024 the judge granted the application. Planned re-enrolment date to be identified during the planning session of 25 October 2025 based on the report received from the IT experts and Dr Lawrence.
6.	Bosasa – Trevor Mathenjwa	Richards bay CAS 174/02/2019 Enq no 23/09/2022	ZCR0137 (Part 3, Vol 4 (p911 par2162 – 2164)	<ol style="list-style-type: none"> Dudu Myeni (Deceased) Trevor Mathenjwa <p>2 accused (all natural persons)</p>	<ul style="list-style-type: none"> Prosecution withdrew the case against the late Dudu Myeni on 13 August 2024. Trevor Mathenjwa will continue 13 May 2025 for pre-trial. <p>AFU</p> <ul style="list-style-type: none"> Application for recovery to be lodged upon sentencing.



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No	Case Name	Case Ref. Number	Recommendation UI	Names of accused persons in court	Status / Update
7.	Enabler: Transnet Relocation BEX	JHB Central CAS 398/12/2024	ZCR0079	<ol style="list-style-type: none"> 3. Allen Wayne Tichauer 4. Sudesh Premchand Rocharam 5. Tichauer and Block Pty Ltd. 6. Legal Frontiers Pty Ltd. 7. Yassien Mahomed 8. Universal Auction Pty Ltd. 9. Rafael Bricker 10. Green Blossom Pty Ltd. 11. 12. Block Mania Pty Ltd. <p><i>10 accused – 5 natural persons, 5 juristic persons</i></p>	<ul style="list-style-type: none"> • On 14 March 2025 the matter was postponed to 06 May 2025 for final further investigation. <p>AFU</p> <ul style="list-style-type: none"> • Referred to AFU.
8.	SSA: Fraudulent Lease Contract	Lyttelton CAS 93/05/2023	ZCR0241 (prev ZCR0242) Part 6, Vol 1 (Page 90 – 201)	<ol style="list-style-type: none"> 1. Ntshavheni Prince Makhwathana 2. Matome Solomon Ralebipi 3. Ralebipi Properties Cc <p><i>3 accused – 2 natural persons, 1 juristic person</i></p>	<ul style="list-style-type: none"> • The matter was enrolled on 31 March 2025 and has been postponed to 23 June 2025 for pre-trial. <p>AFU</p> <ul style="list-style-type: none"> • Referred to AFU.
9.	Denel	Brooklyn CAS 771/08/2017	ZCR0095	<ol style="list-style-type: none"> 1. Lugisani Mantsha 2. Zwelakhe Ntshepe 	<ul style="list-style-type: none"> • The matter was enrolled 28 March 2025 and has been postponed to 16 May 2025 for disclosure. <p>AFU Matter referred to AFU 04 April 2025</p>

NPA SCCU/DPCI Cases

No	Case Name	Case Ref. Number	Recommendation UI	Names of accused persons in court	Status / Update
10	Department of Transport and Safety (North West) and SA-Express	MMABATHO CAS 181/5/2020 Mahikeng High Court CC 07/23	ZCR001 Part 1, Vol 1 (Page 11)	<ol style="list-style-type: none"> 1. Brian Tebogo van Wyk 2. Nothando Dube 3. Siphon Levy Phiri 4. Thabong Baily Mahlakoieng 5. Batsamai Investments Holdings (Pty) Ltd 6. Servilex Investments Holdings CC 7. Lavato Estavao (Pty) Ltd <p><i>7 accused (4 natural persons & 3 entities)</i></p>	Trial date reserved for 9 to 13 June 2025
11	Asbestos - Department of Human	Park Road CAS 486/02/2020	13 recommendations ZCR0175	<ol style="list-style-type: none"> 1. Nthimotse Mokhesi 2. Mahlomola John Matlakala 	15 April to 23 June 2025 for trial

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Settlements (Free State)		ZCR0176 ZCR0177 ZCR0178 ZCR0179 ZCR0181 ZCR0184 ZCR0185 ZCR0186 ZCR0187 ZCR0190 ZCR0191 ZCR0193 Part 4, Vol 2 (Page 447-451)	3. Pheagane Edwin Sodi 4. Sello Joseph Radebe 5. Abel Kgotso Manyeki 6. Thabane Wiseman Zulu 7. Sarah Matawana Mlamleli 8. Elias Sekgobela Magashule 9. Nozipho Belina Molikoe 10. Thabiso Makepe 11. Albertus Venter 12. BlackHead Consulting (Pty) Ltd 13. Diamond Hill Trading 71 (Pty) Ltd 14. 605 Consulting Solutions (pty)Ltd 15. Mastertrade 232 (Pty) Ltd 16. ORI Group (Pty)Ltd 17. Moroadi Cholota 17 <i>accused (13 natural persons & 4 entities)</i>	
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Finalised Cases/Recommendations

No	Case Name	Case Ref. Number	Recommendation UI	Status / Update
1.	Free State Housing Project - Moses Mpho Mokoena	Park Road CAS 1158/11/2021	ZCR0191 Part 4 Vol 2 (p545, para 1218)	Synopsis of the case - Prosecution by the National Prosecuting Authority of Mr Moses Mpho Mokoena who was the Head of the Department of Human Settlements in Free State in 2010 and early in 2011 for contravention of the Public Finance Management Act, 1 of the 1999 as amended and contravention of Section 34 of the Prevention and Combating of Corrupt Activities Act, 12 of 2004 (PRECCA). Outcome - The accused was convicted on one count for contravention of the PFMA and one count for contravention of section 34 of PRECCA. He was sentenced to 10 years imprisonment suspended for five years on count 1 and 5 years imprisonment suspended for 5 years on count 2.
2.	Disclosure of Witness X identity by Ms. Duduzile Myeni	Hillbrow CAS 571/11/2020	ZCR004 Part 1, Vol 1 (page 437) also Part 6 Vol 4 (page 2)	Synopsis of the case: Prosecution of Ms Myeni for her disclosure of Mr X's identity during her testimony in the State Capture Commission. Outcome: The accused was convicted and sentenced to pay a fine of one hundred and twenty thousand rands or two years imprisonment, half of which was suspended for five years.
3.	State Security Agency (SSA) (Fraud, Corruption,	Lyttelton CAS 182/11/2022	ZCR0241 (prev ZCR0242) Part 6, Vol 1 (Page 90 – 201)	Synopsis of the case: The matter relates to the misappropriation of State funds for personal gain. Outcome: An accused pleaded guilty in terms of Section 105A of CPA on charges of fraud, money laundering and unlawful interception. The accused was sentenced to 18 years fully suspended for 3 years on the condition that the

	Money Laundering, PFMA)			<p>person is not convicted of a similar offence and fully cooperates with law enforcement in investigations that fall within the person's knowledge.</p> <p>An AFU confiscation order of R1.35 million in terms of Section 18 (1) of POCA was obtained and paid into CARA.</p>
4.	Prasa – Mthimkulu	Hillbrow CAS 566/07/2015	(not a specific recommendation – see Part 5 Vol 2 p851 Para 2191.4 (a) for related recommendation)	<p>Daniel Mthimkulu</p> <p>On 3 Sept 2024 sentenced to 15 years imprisonment</p>

Other

No	Case Name	Case Ref. Number	Recommendation UI	Status / Update
	Prasa – Auswell Mashaba	Hillbrow CAS 189/03/2021	Part 5, Vol 2 (page 701 paragraph 1870)	He was involved in a court application to set the subpoena aside to testify at the Zondo Commission. It was in Aug 2022 postponed <i>sine die</i> for process documents to be updated. The application did not proceed as the Commission has ended its work and the subpoena has actually become irrelevant.



AMH.

ANNEXURE D – ASSET RECOVERIES

INFORMATION AS PROVIDED BY ASSET FOREFEITURE UNIT AND SPECIAL INVESTIGATING UNIT – May 2025

Lead	Matter	Recovered*	Current restraint or preservation
SIU	Transnet 1064 Locomotives - Bombardier	R379 880 389	
SIU	Transnet 1064 Locomotives - General Electric	R70 350 574	
SIU	Transnet 1064 Locomotives - CRRC E-LoCo Supply (Pty) Ltd		R4 200 000 000
SIU	Transnet - Regiments Contracts	R1 012 293	
SIU	Transnet - SAP	R214 349 515	
SIU	Transnet - Liebherr	R77 985 649	
SIU	Eskom - SAP	R570 000 000	
SIU	SAA - McKinsey	R14 000 000	
SIU	Eskom - ABB	R1 577 000 000	
SIU	Denel - Mahumapelo	R595 008	
AFU	Project C - (McKinsey)	R902 274 123	
AFU	Project C - Estina	R109 492 494	
AFU	Optimum Mine Rehabilitation Trust & Another	R1 939 034 152	
AFU	Siyenza		R81 000 000
AFU	Vatika Trading and others	R8 958 610	
AFU	Regiments Capital		
AFU	Albatime/K Moodley		R1 890 000 000
AFU	Asbestos (Mokhesi and others)		R1 958 000 000
AFU	Vincent George Smith (Bosasa)		R12 400 000
AFU	Hlakudi and Others (Eskom)		R1 487 000 000
AFU	Tegeta/ Optimum Coal Mine (OCM)		
AFU	Tegeta/ OCM/Templar Capital	R178 531 376	
AFU	Shezi		R2 500 000
AFU	RN Mdluli & 2 others		R16 800 000
AFU	Vimpie Phineas Tlalefang Manthata and Others (Blue Lights), Phahlane	R3 595 766	
AFU	Duduzile Babalwa Moyo		R25 000 000
AFU	ABB/Eskom	R2 553 555 000	
AFU	Tamukelo		R9 700 000
AFU	Madhoe (Panday, Ngobeni and others)		R166 000 000
AFU	Moodheen and Pillay (ZA ABB/Impulse)		R584 000 000
AFU	Vatika Trading 2		R75 000 000
AFU	SAP	R1 230 341 437	
AFU	Bosasa (Linda Mthi and others)		R58 800 000
AFU	D Mthimkulu		R3 079 629
AFU	McKinsey Settlement	R1 115 000 000	
AFU	Asbestos Case		R32 098 590
	SIU Totals	R2 892 187 147	R4 200 000 000
	AFU Totals	R8 040 782 960	R6 401 378 219
TOTALS		R10 932 970	R10 601 378 219

52
A.M.H.

AA 4

81/172488

(Z 19E)



PRESIDENT'S ACT NO. 72

I hereby, with effect from 9 June 2021, grant Dr Zweli Mkhize a special leave of absence pending the finalisation of investigations currently being conducted by the Special Investigating Unit ("the SIU") into allegations made against him in relation to a company referred to as 'Digital Vibes' and submission of the final SIU report

Dr Mkhize will remain on special leave of absence until I have had the opportunity to consider the SIU final report on the matter.

In terms of section 98 of the Constitution of the Republic of South Africa, 1996, I hereby, appoint Ms Mmamoloko Kubayi-Ngubane as Acting Minister of Health during the leave of absence of Dr Mkhize and assign to her the powers and functions of the Minister of Health.

Given under my Hand at CAPE TOWN on this 09 day of JUNE, Two thousand and Twenty One.

A large, stylized handwritten signature in black ink, likely belonging to the President.

PRESIDENT

A smaller handwritten signature in black ink, likely belonging to the Acting Minister of Health, with the initials "M.M.K." written below it.

[Skip to main content](#)

x

STATEMENT BY PRESIDENT CYRIL RAMAPHOSA ON THE REMOVAL OF DEPUTY MINISTER WHITFIELD

Friday, 27 June 2025

On 25 June 2025, I removed Mr Andrew Whitfield from the position of Deputy Minister of Trade, Industry and Competition in terms of section 93 (1) of the Constitution.

It is not common practice for the President of the Republic of South Africa to provide reasons either for the appointment or dismissal of Members of the Executive. However, due to several unfortunate statements and outright distortions by a number of people, especially Mr John Steenhuisen and Mr Whitfield himself, it is necessary for me to make a public statement on the circumstances surrounding Mr Whitfield's removal.

Mr Whitfield was removed as a Deputy Minister because he undertook an international visit without the permission of the President.

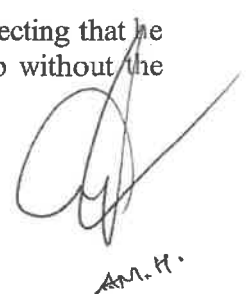
His travel to the United States was a clear violation of the rules and established practices governing the conduct of Members of the Executive. This requirement is known to all Ministers and Deputy Ministers. These rules and established practices were expressly communicated to all members of the Executive during the induction sessions at the commencement of the 7th administration.

These rules and practices were repeated in Cabinet in March this year by me as President. All international travel by members of the executive must always be undertaken with the express permission of the President.

This practice is rigorously observed and adhered to by all members of the Executive. However, Mr Whitfield deliberately chose to violate this rule and practice.

Prior to the removal of Mr Whitfield, I informed Minister John Steenhuisen as the leader of the Democratic Alliance that I had decided to remove Mr Whitfield from his position as Deputy Minister and that I expect him to present to me for approval a replacement for Mr Whitfield from his party as the DA is entitled to a Deputy Minister as agreed.

In that discussion, Mr Steenhuisen informed me that Mr Whitfield had been expecting that he may be dismissed on the grounds that he had undertaken an international trip without the President's permission.



A.M.H.

This expectation, along with a perfunctory letter of apology that Mr Whitfield wrote to me following his travel to the USA without the required permission, indicated that he was aware that his actions had violated the rules and established practices governing the conduct of Members of the Executive.

During my discussion with Mr Steenhuisen, he asked me if there was precedent for the action that I intended to take in relation to Mr Whitfield. I informed him that there was indeed prior precedent.

I told him that in 1995, President Nelson Mandela dismissed the late Deputy Minister Madikizela-Mandela and that in 2007 President Thabo Mbeki dismissed then Deputy Minister Nosizwe Madlala-Routledge on the grounds of undertaking international travel without permission.

Given all these circumstances there is consequently no reasonable grounds for Mr Steenhuisen and the Democratic Alliance to issue ultimatums and threats when the President exercises his constitutional prerogative and responsibility. Nor are there any grounds to try link this with matters that have no bearing on the conduct of the former Deputy Minister.

There is really no basis for suggestions that the dismissal of the former Deputy Minister is related to any other reason than his failure to receive permission to travel and adhere to the rules and established practices expected of members of the Executive of the Republic of South Africa.

While Mr Steenhuisen asked that he be allowed to brief the Democratic Alliance Federal Executive prior to the removal letter being delivered to Mr Whitfield, this would have had no bearing on my decision. It is the responsibility and the prerogative of the President to determine the timing and manner of the appointment and removal of Members of the Executive.

I am amazed at Mr Steenhuisen's intemperate reaction to the removal of Mr Whitfield. He knows very well that the blatant disregard of the rules and practices that govern the international travel of members of the executive is a serious violation that should not be permitted.

It is unprecedented in the history of our democracy that the exercise by the President of his constitutional prerogative and responsibility with respect to a clear violation of rules and established practices governing the conduct of Members of the Executive has met with such irresponsible and unjustifiable threats and ultimatums from a member of the executive.

Let it be clear that the President shall not yield to threats and ultimatums, especially coming from members of the Executive that he has the prerogative to appoint in accordance with the Constitution of the Republic of South Africa.

Media enquiries: Vincent Magwenya, Spokesperson to the President -
media@presidency.gov.za

Issued by: The Presidency
Pretoria



A handwritten signature in black ink, appearing to be 'V. Magwenya', with a long horizontal stroke extending to the right. Below the signature, the initials 'V.M.' are written in a smaller, less legible hand.

AA6

81/172488

(Z 19E)



PRESIDENT'S ACT NO. 246/ 2025

I hereby, in terms of section 98 of the Constitution of the Republic of South Africa, 1996, appoint **Minister Gwede Mantashe** as acting Minister of Police, and assign to him generally the powers and functions of the Minister of Police.

Given under my Hand at Cape Town..... on this 15..... day of July..... Two thousand and Twenty-Five.



PRESIDENT



Ann H