



28 November 2025

URGENT

Attention: The Honourable Minister of Justice and Constitutional Development

Per e-mail: NDPPpanel@justice.gov.za

RE: APPOINTMENT OF THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

1. Corruption Watch ("CW") is an anti-corruption non-profit organisation and Transparency International Chapter ("TI Chapter"). Our work is centred around countering corruption and advocating for transparent, accountable, and ethical leadership in both the public and private sectors.
2. Since 2016, we have made written submissions to several committees in Parliament and to Chapter Nine institutions on the transparency of leadership appointment processes in the legislatures and institutions, based on our observations. The aim and spirit of these submissions has been to strengthen and actively contribute to the better functioning of and improved transparency in the appointment processes of Chapter Nine and other related institutions provided for in the Constitution of the Republic of South Africa.
3. We note that the Advisory Panel ("the Panel") for the selection of the National Director of Public Prosecutions (NDPP), chaired by the Minister of Justice and Constitutional Development, Mmamoloko Kubayi, met on 25 November 2025 to finalise the screening of nominated candidates for the position of NDPP.
4. On 27 November 2025, the Panel published a shortlist of candidates, having called on all law bodies to assist in widening the scope of nominations.
5. We note with great concern that the [list](#) provided by the Panel does not contain the relevant CVs of the shortlisted candidates, severely hampering meaningful public participation and commentary.
6. In accordance with the principles of transparency and openness, it is imperative that the Panel allows for meaningful public participation by providing supporting documentation to ensure a transparent, participatory, and merit-based process.
7. We remind the Panel that the Constitutional Court recently handed down [a unanimous judgment](#) upholding South Africa's constitutional principle of public participation in democratic processes. In

the matter of *Corruption Watch v Speaker of the National Assembly and Others*¹, the Court found that the National Assembly failed to comply with its constitutional obligation to facilitate reasonable public involvement in recommending persons to be appointed as members of the Commission for Gender Equality (CGE) in 2022.

8. CW had argued that:

- 8.1** There was no reasonable opportunity to participate in the recommendation process due to the limited access to relevant information. In this regard, the Court held that “members of the public and organs of civil society must have access to sufficient information about the subject matter to enable meaningful and informed deliberation”².
- 8.2** The Committee’s interpretation and application of the provisions of the POPI Act is incorrect and fails to balance the right to privacy against other rights, particularly the right of access to information. Having considered the arguments, the Court held that “the constitutional obligation to provide sufficient information to facilitate public involvement is plainly the type of public law duty which would entitle the Portfolio Committee to publish the personal information of the candidates”³.
- 8.3** The Committee’s self-imposed urgency did not justify the unreasonably truncated timeframes for the public participation process. In this regard the Court held that “in light of the restricted information made available, the limited period operated as a further impediment to effective and meaningful public involvement”.
- 8.4** The format of submissions unnecessarily curtailed members of the public and interested organisations’ ability to meaningfully participate and provide adequate comment on candidates. The Court recognised the benefits of digital technology and still held that “the mechanisms adopted by the Portfolio Committee to facilitate public involvement in the appointment of Commissioners to the CGE failed to allow for effective public participation”⁴.

9. We kindly request:

- 9.1** That the CVs of the shortlisted candidates be made available in order to facilitate meaningful public participation. Should it be deemed necessary, the CVs may be redacted to protect the personal information of the shortlisted candidates (as has been done in the appointment of the Public Protector <https://pmg.org.za/call-for-comment/1323>).
- 9.2** An extension to the deadline for submissions to 9 December 2025 to allow the Panel to provide all relevant documentation for meaningful public participation and the public to make informed submissions.

¹ *Corruption Watch (RF) NPC v Speaker of the National Assembly and Others* (CCT 333/23) [2025] ZACC 15; 2025 (10) BCLR 1117 (CC)

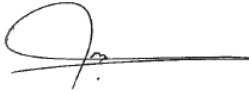
² Note 1 *supra* at paragraph 36

³ *Ibid.* Paragraph 51

⁴ *Ibid.* Paragraph 66

10. In the spirit of transparency and openness, we believe that the Panel will allow for meaningful participation of the public by providing supporting documentation to the process.
11. In view of the urgency of the matter, we look forward to your response in this regard by 1 December 2025.

Yours sincerely,



Lord Ntambw and Moira Campbell

Interim Executive Directors

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