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BY JESSIE TAYLOR

## Andy Mothibi: A new chapter for justice and accountability in South Africa

**A**dvocate Jan Lekgoa "Andy" Mothibi's appointment as National Director of Public Prosecutions (NDPP) marks a pivotal moment for South Africa's criminal justice system. Effective 1 February 2026, Mothibi takes the helm of the National Prosecuting Authority (NPA), the constitutional institution charged with prosecuting crime and upholding the rule of law. His appointment by President Cyril Ramaphosa, after a rigorous but unusual selection process, reflects both confidence in his capabilities and the urgency of restoring public trust in prosecutorial leadership.

### A CAREER GROUNDED IN PUBLIC SERVICE

Adv. Mothibi's career trajectory is a testament to resilience, integrity and deep experience in public service. He began his legal journey as a public

prosecutor and magistrate in the Johannesburg and Soweto courts, roles that grounded him in the realities of the justice system. Over more than two decades, Adv. Mothibi's professional footprint expanded across both public and private sectors. He served in corporate legal, governance and risk leadership positions at the South African Revenue Service (SARS) and in the financial sector before being appointed Head of the Special Investigating Unit (SIU) in 2016. At the SIU, he led efforts to investigate and combat maladministration, corruption and irregularities in state institutions and the private sector - work that helped recover substantial public funds and reinforced ethical governance. Parliament's justice watchdog welcomed Mothibi's

appointment as both timely and critical, emphasising that his leadership comes “at a vital juncture for restoring public confidence in the criminal justice system”. The committee noted the constitutional importance of the NDPP’s role in ensuring prosecutions are pursued without fear, favour or prejudice. While the advisory panel on which the formal appointment process was based concluded that none of the publicly interviewed candidates were suitable, President Ramaphosa exercised his constitutional prerogative to appoint Adv. Mothibi, given his breadth of experience and proven leadership. This decision, while welcomed by many, has also sparked debate over appointment transparency and the processes by which heads of critical justice institutions are selected.

#### STEPPING INTO LEADERSHIP

Adv. Mothibi succeeds Advocate Shamila Batohi, who has led the NPA since 2019. Adv. Batohi’s tenure was marked by dedicated service through challenging times, including prosecutorial pressures and internal institutional reform. Her retirement at the end of January 2026 closes an important chapter in the authority’s history.

The role of the NDPP is fundamentally about trust and accountability. The NPA sits at the intersection of law enforcement, constitutional governance and public confidence. The stability, credibility and direction provided by the NDPP are vital for upholding the rule of law and ensuring justice is served decisively and equitably. Adv. Mothibi’s experience at the SIU, where investigations into maladministration and corruption were central, positions him uniquely to lead the NPA’s prosecutorial mandate with a sharpened focus on accountability.

The Public Servants Association (PSA) expressed strong confidence that he will bring “integrity, decisiveness and stability” to the NPA, particularly as the authority faces ongoing pressure to implement high-profile commission findings and pursue complex criminal cases.

He steps into the NDPP role at a time when the NPA’s mandate extends from everyday crime to matters of national consequence, including corruption cases that involve significant public resources and public servants. While debates about the selection process highlight

the need for transparency and robust governance in appointments to critical offices, there is broad recognition that the NDPP must embody independence, integrity and competence – qualities that Mothibi’s career reflects.

Adv. Mothibi’s leadership offers an opportunity to fortify prosecutorial institutions and renew public faith in the justice system. His tenure will be measured by how well the NPA navigates prosecutorial complexities, builds stronger partnerships with law enforcement, and demonstrates that the rule of law is not just a constitutional promise but a lived reality for all South Africans.

#### THE ROLE OF THE NPA

The National Prosecuting Authority (NPA) is South Africa’s central institution responsible for prosecuting criminal cases on behalf of the State. Established under the Constitution, the NPA ensures that justice is pursued impartially, consistently, and in accordance with the law. Its work spans the full spectrum of criminality, from everyday offences to complex cases of corruption, organised crime, and matters of national significance. At the helm of the NPA is the National Director of Public Prosecutions (NDPP), a position entrenched in the Constitution to safeguard independence and impartiality. The NDPP oversees the operational and strategic functioning of the NPA, ensuring that prosecutorial decisions are made without fear, favour or prejudice.

The NPA is structured into specialised units to address particular types of crime. These include the Priority Crimes Litigation Unit, which investigates high-profile criminal cases; the Specialised Commercial Crime Unit, focused on fraud, corruption, and corporate wrongdoing; and the Sexual Offences and Community Affairs Unit, which addresses crimes against vulnerable groups. Additionally, the Specialised Investigating Unit (SIU) works alongside the NPA to uncover maladministration and corruption in state institutions, enhancing accountability and governance. Beyond prosecution, the NPA plays a critical advisory role to law enforcement and government, offering guidance on the application of criminal law and the legal viability of cases. ■

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