



**UNIVERSITY of the  
WESTERN CAPE**



**LEGISLATED TO FAIL?  
THE PERFORMANCE OF THE  
NATIONAL PROSECUTING  
AUTHORITY SINCE INCEPTION**

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## 1. Introduction

The National Prosecuting Authority of South Africa (NPA) was created by legislation which came into effect in August 1998. Although spending and employment on prosecutions have increased since inception, commensurate returns on that investment have not been apparent from official data. The flaws in the legislative framework, have led to worsening performance over time.

The legislative flaws include the lack of transparent, competitive appointment processes for senior leaders, who serve long terms to 65; the lack of control over budget, including the inability to hire in scarce skills when needed without ministerial approval; the failure to professionalise prosecutors combined with anomalous pay structures leading to vacancies and affecting morale; lack of transparency and accountability requirements and processes; inappropriate indicators with perverse incentives; and the constrained mandate for the investigating directorate responsible for the most high-profile crime.

## 2. Expenditure on the National Prosecuting Authority

The 2000 National Expenditure Survey (NES) records that actual expenditure in relation to NPA functions in 1996/1997 amounted to R170.3 million. The Budget Vote for the NPA in March 2018 was for R3.648 billion. In inflation-adjusted terms, this was an almost 6-fold increase compared to 1996/7. Although by 2024/25 the total NPA budget had increased to R4.2948 billion, in inflation-adjusted terms, this represents a decrease of 15 percent compared to March 2018. However, compared to the 1996/7 figure, it remains a 5-fold increase.

## 3. Personnel in the National Prosecuting Authority

The increase in expenditure has been associated with an increase in the number of employees and the number of prosecutors. The 1998/99 Department of Justice and Constitutional Development Annual Report (which reported on the NPA before 2002/3) recorded 1,933 prosecutors employed. In 2017/18, there were 3626 prosecutor posts of which 3084 were filled and a total post establishment of 5591<sup>1</sup>. The number of prosecutors in service increased by 60% to 2017/18. Between 2017/18 and 2024/2025 the total employees in the post establishment was 5602, only a slight increase from 2017/18, while in the Medium Term Expenditure Framework (MTEF) the number of posts is projected to decrease to 5278 in 2027/2028.<sup>2</sup>

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<sup>1</sup> National Treasury (2018) Estimates of National Expenditure, Budget Vote 21, Table 21.13.

<sup>2</sup> National Treasury (2025) Estimates of National Expenditure, Budget Vote 25, Table 25.13.

## 4. Conviction rates

South Africa does not have a compulsory prosecution regime. Prosecutors have discretion whether or not to prosecute cases, based on “reasonable prospects of success” and the lack of any public interest reason not to prosecute. The NPA has since 2002/3 reported on conviction rates in its Annual Reports. NPA conviction rates are not calculated on the number of cases reported, but on the number prosecuted. In other words, cases which the NPA decides to withdraw, do not form part of the conviction rate calculation.

In 2002/3 the NPA reported an 82% conviction rate. This has steadily increased year-on-year such that in 2017/18 the NPA Annual Report recorded a 95% conviction rate, and it is now at 94%.<sup>3</sup> This means only 6% of cases going to verdict resulted in a not-guilty verdict.

However, by far the most likely outcome for cases (more than 50%) is to be withdrawn or struck off, with no verdict at all. The high conviction rate reported by the NPA would be more impressive if it had also been associated with an increase in the number of convictions obtained, and if serious violent crime convictions had increased. Unfortunately, this is not the case.

## 5. Serious crime convictions

Total convictions reported by the NPA dropped dramatically from 332,544 in 2002/3 to a low in 2007/8 of 254,828 and then a further drop to 130 124 in 2020/21. While this was partly a function of the Covid-19 lockdown, the most dramatic drop in number after 2017/18 was due to the Constitutional Court judgment on the private possession of cannabis.

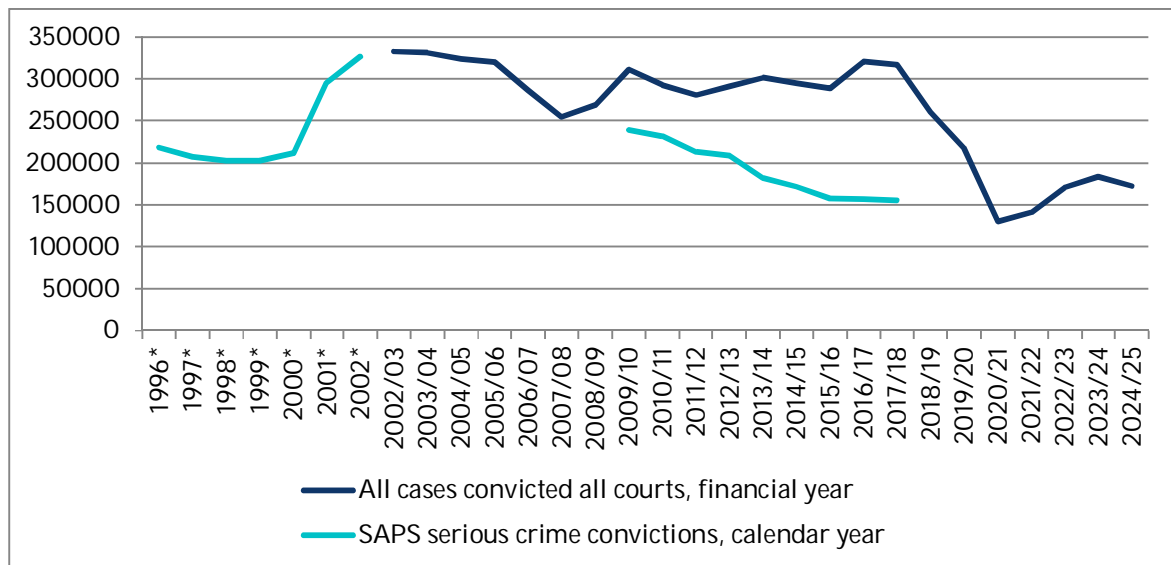
While drug cases were in the region of only 22 000 per year initially, they increased to more than half of all cases, at over 150 000, immediately prior to the judgment, replacing other serious crimes. The removal of these cases from the number of conviction reveals the stark drop in serious crime convictions. Serious crime convictions have not yet returned to the levels evident in the late 1990s.

In 2024/25 the number of convictions was 172 160 – about half of what was achieved 20 years ago. The relatively high numbers over the period 2002-2005 were associated with Saturday and additional courts, which are not a sustainable option.

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<sup>3</sup> NPA Annual Reports, 2002/3, 2017/18 and 2024/25.

Figure 1: Convictions in South Africa 1996-2024/2025



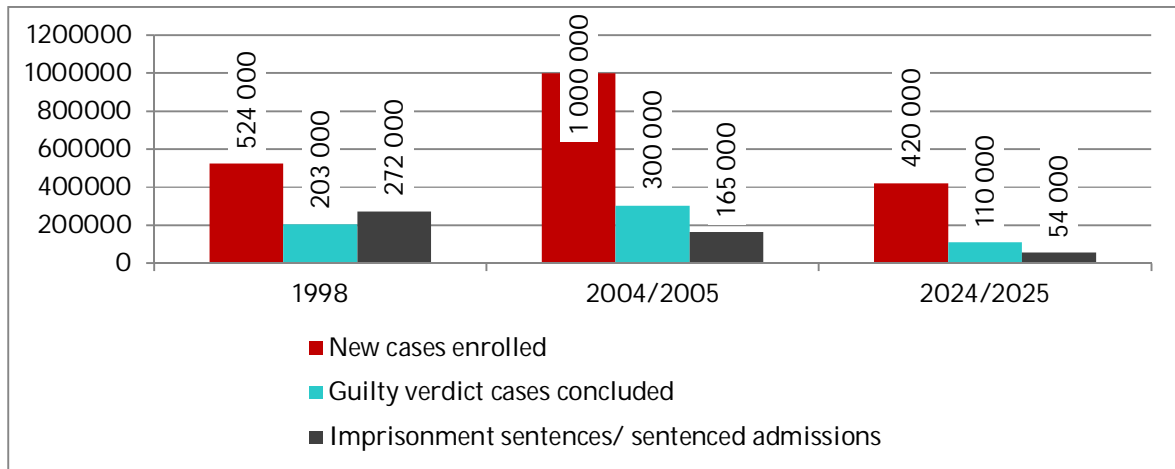
In 1997, approximately 17% of murders reported in that year was matched by a murder conviction in the same year. By 2024, this had reduced to 10%, and the actual number of murder charge convictions has reduced by one third since 1997.<sup>4</sup>

The extent to which serious crime has been prosecuted to conviction steadily decreased to 2017/18 and has only recovered slightly since then. Further recovery is unlikely in the absence of legislative reform.

The enrolment, guilty verdict and imprisonment sentences achieved over time appear below. The large difference in enrolments versus guilty verdicts since inception is likely to have directly lead to the worsening trend over time. This is closely related to delays in the courts, which were originally mostly a function of case enrolment, but are now primarily caused by delay itself, with tens of postponements becoming the norm.

<sup>4</sup> SAPS data (1997) and data collected for the Democratic Rights and Governance Unit (2024).

Figure 2: Enrolments guilty verdicts (rounded figures)



## 6. Commercial crime convictions

While reported commercial crime has soared in numbers, the number of successful convictions per year of commercial crime by the Specialised Commercial Crime Unit (SCCU) of the NPA is a fraction of what it was 20 years ago.

Figure 3: Commercial crime convictions (NPA Annual Reports)

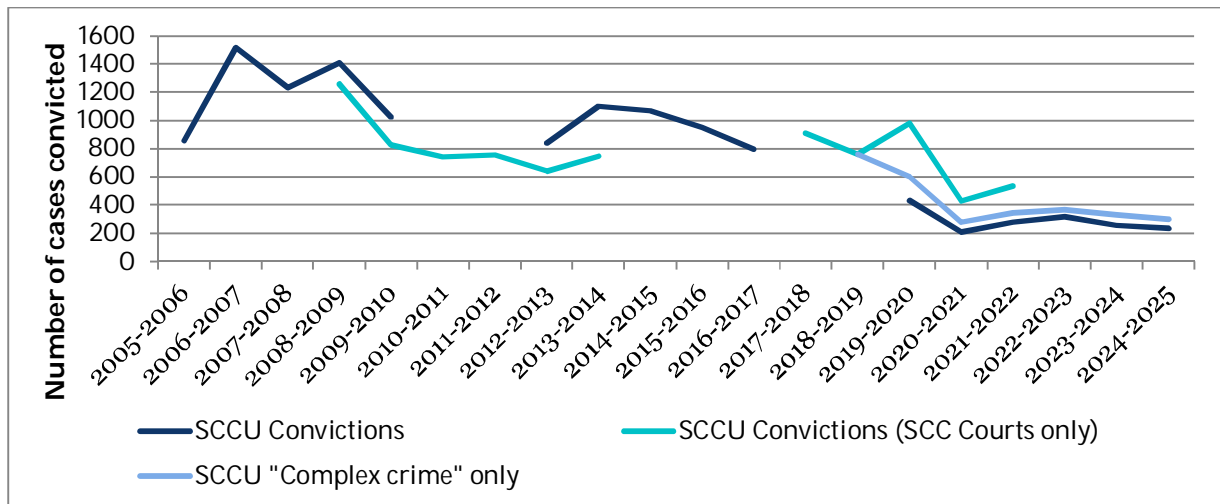
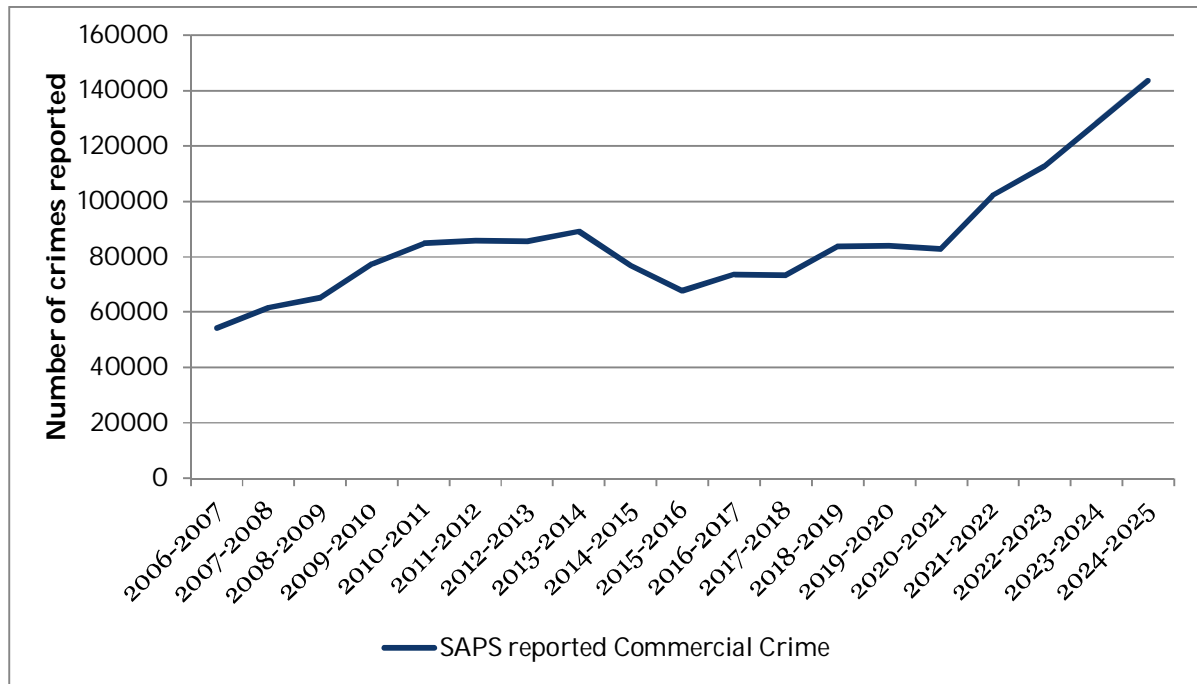


Figure 4: Reported commercial crime (SAPS Crime data)



## 7. Delays in serious matters<sup>5</sup>

The delay problem is severe and measurable. The median duration of cases finalised in 2024 – by whatever means, including withdrawal – was 133 days. A backlog case is defined as an active case that has been on the roll for more than 6 months at the District Court and more than 9 months at Regional Court.<sup>6</sup> One fifth of District Court cases are in backlog, while more than half of Regional Court cases are in backlog.<sup>7</sup>

The median days to closure for cases closed in 2024 for Regional Courts is 467 days, with the slowest quarter taking 828 days or more, and the slowest 10 percent 1514 days or more. Regional court cases enrolled but not yet concluded in mid-2025 had a median age of 636 days, with a quarter of all open cases being older than three years, and the oldest running to over 22 years. Cases had been postponed a median of fifteen times each, with one postponed 192 times. This is not a system experiencing temporary backlog — it is a system that has normalised indefinite delay. At the same time, almost 60 percent of all cases are closed – after delay – by way of withdrawal or being struck off.

<sup>5</sup> This data in this section was sourced from the Democratic Governance and Rights Unit project on court functioning (unpublished).

<sup>6</sup> Question NW7073 to the Minister of Justice and Constitutional Development, 5 January 2026.

<sup>7</sup> Question NW7073 to the Minister of Justice and Constitutional Development, 5 January 2026.

## **8. Conclusion**

The NPA has operated an extremely constrained legislative and political environment, which has affected its performance, which has been under pressure since inception. The deterioration in performance was inevitable given the discrepancy between enrolments and verdicts in early years, and the structural problems in the NPA legislation. While some slight recent gains have been made, it is apparent that the NPA is addressing only a small fraction of reported crime with accelerating delay. The NPA urgently requires modernisation to deal with the challenges of today.

