



African Policing Civilian Oversight Forum

Submission to the Ad Hoc Committee to Investigate Allegations of Lt Gen Mkhwanazi

7 October 2025

1. Introduction

The African Policing Civilian Oversight Forum (APCOF) welcomes the opportunity to make this submission to the *Ad Hoc Committee to Investigate Allegations of Lt Gen Mkhwanazi* established by the National Assembly on 25 July 2025. APCOF is a civil society organisation based in Cape Town that works to strengthen police accountability and promote rights-based policing in Africa. Since 2004, we have contributed to legislative, policy, and institutional reform processes in South Africa, drawing on comparative experiences and international standards.

Our submission focuses on the mandate of the Committee ‘to consider the need for legislative, policy, and institutional reforms to restore public confidence in the criminal justice system’. In doing so, it focuses on two systemic issues that arise from a review of the allegations made by Lt. Gen. Mkhwanazi:

- The **weaknesses in parliamentary oversight functions** to respond to allegations of political interference, for which we **recommend** strengthening parliamentary oversight of police by enhancing scrutiny of executive influence over the South African Police Service (SAPS); requiring greater transparency through regular reporting; implementing effective follow-up mechanisms on parliamentary findings and recommendations; and reinforcing accountability mechanisms across the SAPS, the Independent Police Investigative Directorate, and the Civilian Secretariat of Police.
- The need to **insulate SAPS operational command from executive interference**, for which we **recommend** transparent and merit-based leadership appointments overseen by an independent National Police Board as envisioned in the National Development Plan adopted by Parliament in 2012; reforms to ensure a competitive, transparent, and accountable appointment process with security of tenure for senior SAPS officials; a promotion system across all ranks that is governed by clear, transparent criteria and based on open, fair, and competitive selection processes, to further strengthen professionalism and integrity within the Service; and legislative amendments that clearly distinguish the executive’s policy role from the SAPS’ operational mandate, with all ministerial instructions recorded and subject to parliamentary scrutiny.

African Policing Civilian Oversight Forum

Building 23B, Suite 16, Waverley Business Park, Wyecroft Road, Mowbray, Cape Town, 7925

PostNet Suite 63 Private Bag x11, Mowbray, 7705

Tel: +27 21 447 2415

www.apcof.org.za

Trust no. IT1900/2012

PBO 930041858, NPO 119 688- NPO

Trustees: A Van Wyk (Chair), G Cronje (Treasurer), P Tlakula, E van der Spuy, S Africa

Each is discussed in turn below.

2. Parliamentary oversight functions

2.1. Parliamentary inaction

On 6 July 2025, Lt. Gen. Mkhwanazi held a press conference to allege multiple levels of political interference in police operations, which are currently the subject of a judicial commission of inquiry, and within the mandate of this Ad Hoc Committee. According to testimony by SAPS expert Maj Gen Van Rooyen to the Madlanga Commission in September 2025, the allegations had been previously submitted to Parliament, via the Portfolio Committee on Police in the months prior to the July press conference. In her view, to which APCOF concurs, this was a critical failure in parliamentary oversight. She explained that '[e]ven if they initiated an investigation, called the management of the police to come and explain, that would already have been an exercise of oversight on their part to ensure that the matter received attention'.¹

This delay reflects a broader pattern of weak parliamentary oversight, and not only in terms of policing,² with challenges identified in terms of political will for oversight, and institutional weaknesses including lack of follow-up, training, and turn-over of Committee Members.³ The current parliamentary oversight model lacks both the design and implementation capacity to effectively measure the progress and impact of findings and recommendations adopted by Parliament. This, despite sections 55 and 92 of the Constitution imposing a duty on Parliament to scrutinise and oversee Executive function. Addressing allegations of political interference in policing is not a matter for political discretion. Rather, it demands serious and immediate parliamentary action as required under the Constitution.

2.2. Recommendations

To address this oversight lapse, and to prevent reoccurrence, APCOF recommends that Parliament take the following steps:

- Establish a standing parliamentary sub-committee of the Portfolio Committee on Police with a mandate to scrutinise the interactions between the executive, SAPS and all law enforcement agencies.
- Strengthen the monitoring and evaluation capacity of Parliamentary to track the implementation of its findings and recommendations, as well as the actions taken by the relevant departments. Such a unit could be established under the Office of the Speaker and staffed with personnel responsible for ensuring that the Speaker conveys parliamentary findings, recommendations, and decisions to the relevant member of the Executive, along with a clear deadline for providing feedback to Parliament. The unit should track the responses, communicate progress, and distribute feedback to the relevant

¹ Cape Times, 'Madlanga Commission: Parliament's oversight failure on police meddling', 26 September 2025, available at <https://iol.co.za/capetimes/news/2025-09-26-madlanga-commission-parliaments-oversight-failure-on-police-meddling>.

² Annelize van Wyk, 'Parliamentary oversight of the police in South Africa: Lessons and opportunities', African Policing Civilian Oversight Forum, Policy Paper No. 10, November 2014, available at <https://apcof.org/wp-content/uploads/2016/05/No-10-Parliamentary-oversight-of-the-police-in-South-Africa-Lessons-and-opportunities-Annelize-Van-Wyk.pdf>.

³ Monique Doyle, Jennifer Rault-Smith and Rashaad Alli, "'Where was parliament?'" A PMG review of parliamentary oversight in light of State Capture and the Zondo Report', Parliamentary Monitoring Group, August 2022, available at https://static.pmg.org.za/PMG_Zondo_Report.pdf.

committee. Sanctions should be imposed on members of the Executive who fail to comply with deadlines or provide adequate feedback.

- Require SAPS leadership and the Minister of Police to submit regular, public reports to Parliament detailing all executive instruction provided to SAPS.
- Strengthen the performance management of SAPS, the Independent Police Investigative Directorate (IPID) and the Civilian Secretariat, by the Portfolio Committee on Police with specific indicators on responsiveness to allegations of political interference and corruption.

We submit that these measures would assist in restoring public trust by providing the mechanisms necessary to ensure that executive interference is dealt with by Parliament and other oversight institutions with transparency and without delay.

3. Insulating operational command from political interference

3.1. Political interference in operational policing

The allegations before the Committee, which include the disbandment of specialist units, the removal of case dockets, and moratoria on filling critical posts, reflect systemic concerns about the lack of clear boundaries between the executive's policy role in policing and police leadership's operational mandate. The blurring of these functions creates opportunities for political interference in policing, enabling both institutional capture and corruption.

3.2. Recommendations

We strongly recommend that the Committee propose measures to address three areas that influence the risk of political interference in operational policing.

a. Transparent and merit-based appointments through a National Police Board

First, as APCOF has advocated in its submission to Parliament on the SAPS Amendment Bill, there is a need to strengthen legislative provisions to ensure transparent and merit-based appointments within SAPS leadership. To this end, we recommend the establishment of a National Police Board without further delay through an open, transparent and participatory process.

The proposal to establish a National Police Board has been a consistent feature of South Africa's policing policy framework since the adoption in 2012 of the National Development Plan 2030, and the White Paper on Policing. Both identified such a mechanism as key to strengthening the independence, professionalism, and integrity of the SAPS by setting standards for recruitment, selection, promotion, training, vetting, and discipline, and by developing a code of ethics in line with constitutional and international norms.

APCOF has previously recommended that the Board be established as a permanent, multi-sectoral and multi-disciplinary body, with functional and financial independence, and with power comparable to police service commissions elsewhere on the continent. We have further argued that the SAPS Act be revised to include provision for the Board, subject to its own enabling legislation, to ensure that the human resource environment of the SAPS is governed according to principles of transparency, merit, and accountability. We

also advocate for the inclusion of expertise from outside the police on the Board, which is intended to rebuild public trust in police governance.⁴

For a full analysis of the potential of a National Police Board to address issues of ethics, trust, and transparent and merit-based appointments, we direct the Ad Hoc Committee's attention to our [Policy Paper on the National Police Board](#), and our [2020 Submission on the SAPS Amendment Bill](#).

b. Appointment and security of tenure for senior SAPS leadership

APCOF has consistently identified the lack of transparency in the process for appointing the National Commissioner of SAPS as a critical governance failure in South African policing. The current criteria for this post are weak, and the appointment process lacks transparency, clear standards, and adequate safeguards. As a result, the most senior policing role remains vulnerable to political manipulation, as was evident during the period of state capture, thereby undermining public confidence in police leadership.

APCOF has previously recommended amendments to the SAPS Act to ensure that the appointment process for the National Commissioner is competitive, merit-based, and transparent, and that it includes the following:⁵

- An independent panel, ideally the proposed National Police Board, to develop objective selection criteria for inclusion in the SAPS Act, vet candidates, and conduct interviews.
- Public advertisement of the position and publication of shortlisted candidates' CVs, and a clear process for public objections.
- Objective eligibility requirements, including proven managerial and policing experience, relevant qualifications, integrity, and ethical leadership.
- Security clearance and psychological suitability testing for shortlisted candidates.
- An oversight role for Parliament to ensure the President's constitutional appointment power is exercised transparently on the basis of merit.

In addition to reforming the appointment process for the National Commissioner, it is also essential to provide security of tenure for operational commanders at all senior levels below the Commissioner. Currently, commanders can be removed or reassigned with little justification, creating the risk that operational decision-making is subject to executive pressure. Providing statutory protections against arbitrary dismissal under the SAPS Act and its accompanying regulations, or redeployment, while retaining mechanisms for accountability based on transparent criteria, would help insulate senior leadership from political interference, strengthen operational independence, and promote stability in leaderships.

These recommended reforms to the SAPS Act would align South Africa's policing approach with the standards set out in the National Development Plan, and reflect the normative standards established by the Pan African Parliament's Model Law for Police in Africa.⁶ Insulating the processes for the appointment

⁴ Annelize van Wyk and Sean Tait, 'The National Police Board', African Policing Civilian Oversight Forum, Policy Paper 12, July 2015, available at <https://apcof.org/wp-content/uploads/2016/05/No-12-The-National-Police-Board-Annelize-van-Wyk-and-Sean-Tait.pdf> and African Policing Civilian Oversight Forum, 'Submission on the South African Police Service Amendment Bill, 2020', 2020, available at <https://apcof.org/wp-content/uploads/submission-african-policing-civilian-oversight-forum-apcof202011272.pdf>.

⁵ African Policing Civilian Oversight Forum, 'Submission on the South African Police Service Amendment Bill, 2020', 2020, available at <https://apcof.org/wp-content/uploads/submission-african-policing-civilian-oversight-forum-apcof202011272.pdf>.

⁶ Pan African Parliament, 'Model Police Law for Africa', available at <http://apcof.org/wp-content/uploads/pap-model-police-law-for-africa.pdf>.

and security of tenure of senior police officials against political interference will assist in restoring trust in policing.

c. Legislative reform to ensure clarity of policy versus operational mandates

APCOF also recommends that the SAPS Act be amended to enshrine the strict separation between policy-making, which is the responsibility of the Executive, and operational command, which is the responsibility of police leadership. The blurred boundaries between these functions have repeatedly enabled political interference in operational matters, including those which comprise the allegations before this Ad Hoc Committee. These types of practices undermine operational independence, weaken accountability and transparency, and open the door to political or even criminal capture of policing functions in South Africa.

Legislative codification of the separation of roles would provide much-needed clarity and accountability. The Minister of Police should be responsible solely for setting policy, including identifying national priorities such as priority crimes, and for providing strategic direction in line with government policy. The National Commissioner and senior leadership, as the accounting officers, should retain full managerial authority over budgeting, resource allocation, and operational decision-making, including investigations, deployments, and case management. This distinction reflects the principle that money follows the plan, which requires that police management determine how best to operationalise policy objectives and utilise financial and human resources to combat crime effectively.

Where Executive direction is required, such instructions should:

- Be made in writing;
- Be entered into a formal register;
- Be made available for review by Parliament (including the Parliamentary sub-committee recommended above that is responsible for oversight of the relationship between the Executive and SAPS), IPID, and the Civilian Secretariat; and
- Allow SAPS management to report instances of political interference to the sub-committee through a defined process, rather than waiting for the register to reach Parliament.

In addition, legislation should make clear that any unlawful or improper instructions by the Executive constitutes grounds for accountability before Parliament and must not be implemented by SAPS. Existing law already allows a junior officer to disregard an illegal instruction from a senior officer; this principle should be extended to Executive direction. Such a provision would reinforce the constitutional principle that the Executive is answerable to Parliament for its exercise of authority over the police⁷ and ensure that any interference in policing operations, including of the types of conduct alleged before this Ad Hoc Committee, triggers immediate parliamentary scrutiny.

Taking this approach will provide transparency, and ensure that any political directions can be tested against constitutional requirements of a separation of policy and operational functions, and the principle of legality. It also finds support under South African and regional law. The [African Union's Pan African Parliament has adopted a Model Police Law for Africa](#), provides an explicit framework for operational independence of police leadership from political authorities, while requiring that any executive instructions be transparent and accountable. Similarly, jurisprudence in the South African Constitutional Court has

⁷ Sections 55(2) and 92, Constitution of the Republic of South Africa, available at <https://www.justice.gov.za/constitution/SACConstitution-web-eng.pdf>.

affirmed that bodies tasked with policing or anti-corruption functions must be protected against undue influence.⁸

4. Conclusion

The allegations before the Ad Hoc Committee highlight systemic weaknesses that extend beyond individuals acts or misconduct. Restoring public trust in policing and the broader criminal justice system requires two key reforms. First, parliamentary oversight must be strengthened to prevent lapses such as Parliament's initially failure to respond to the allegations raised by Lt. Gen. Mkhwanazi. This includes enhancing Parliament's capacity to monitor and evaluate the implementation of recommendations arising from oversight processes. Second, operational command must be insulated from executive interference through transparent appointment processes, security of tenure, and the requirement that all executive instructions be made in writing.

Again, APCOF welcomes the opportunity to make a submission to the Ad Hoc Committee, and is available to provide further research or technical support to ensure that the recommendations lead to positive reforms in the capacity of parliament to exercise its oversight function over policing, and to address the inherent risks of political interference in policing.

Submitted on behalf of APCOF by:

Sean Tait
Director
African Policing Civilian Oversight Forum
sean@apcof.org.za
+27 21 447 2415
www.apcof.org

⁸ *Glenister v President of the Republic of South Africa* (2011) ZACC 6, available at <https://www.saflii.org/za/cases/ZACC/2011/6.html>; and *McBride v Minister of Police* (2016) ZACC 30, available at <https://www.saflii.org/za/cases/ZACC/2016/30.html>.