



POLICY BRIEF

The future of South Africa's Special Investigating Unit

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The Special Investigating Unit (SIU) is one of South Africa's most effective anti-corruption agencies. It has a good civil litigation track record, an organisational culture of excellence and is supported by a dedicated Special Tribunal. Given the large scale of corruption in the country, several reforms could further strengthen the unit. The research for this policy brief was undertaken in cooperation with the SIU.

Key findings

- ▶ The Special Investigating Unit (SIU) has comparatively good investigation, litigation and prevention capabilities.
- ▶ Key features contributing to its effectiveness include an organisational culture of integrity, excellence and innovation as well as independence in matters of finance and human resources. Also, its investigations are activated only by Presidential proclamations, meaning the SIU cannot unilaterally investigate, for example, the President or his/her allies. While this may protect the unit from political interference, it also compromises its operational independence.
- ▶ The SIU can use civil law remedies, which it does with great effectiveness. It also does corruption prevention work, which is essential but outside its statutory mandate.
- ▶ The SIU is unnecessarily hampered by delays in the administrative processing of Presidential proclamations by the Department of Justice and Constitutional Development (DOJCD).
- ▶ Its effectiveness is also negatively affected by inadequate systems to enforce its recommendations.
- ▶ The safety of SIU personnel and whistleblowers is a major concern.
- ▶ The SIU faces a cash crunch linked to its growing case load, an ineffective funding model and ineffectual debt collection process.

Recommendations

The Presidency

- ▶ Process SIU motivations for Presidential proclamations in the Presidency rather than the DOJCD
- ▶ Continue to develop automated monitoring of the implementation of the SIU's recommendations

Department of Justice and Constitutional Development

- ▶ Amend the Protected Disclosures Act to improve legal, financial, psychological, physical safety and risk management support to whistleblowers
- ▶ Centralise oversight of the debarment of companies implicated in corruption

Amendments to the SIU Act

- ▶ Make SIU recommendations for remedial action legally binding
- ▶ Amend the funding model to allow the SIU to retain a percentage of recovered funds or to issue Certificates of Debt to the institutions it investigates
- ▶ Enable the SIU to refer criminal matters directly to the Directorate for Priority Crime Investigation and to prioritise cases where there is a likelihood

of violence against witnesses, whistleblowers or investigators

- ▶ Provide for statutory asset preservation and recovery powers in the SIU Act rather than relying on regulations, as is currently the case
- ▶ Provide for administrative and disciplinary referrals with enforcement mechanisms
- ▶ Introduce criteria for transparent leadership appointments, which should be reviewed by an expert panel and ratified by Parliament

The Treasury

- ▶ Increase funding for corruption prevention to the Technical Assistance Unit in the Department of Public Services and Administration
- ▶ Partner with the SIU to improve debt collection from government entities

Civil society

- ▶ Assess the National Anti-Corruption Advisory Council's proposal for the SIU to serve as South Africa's new Chapter 9 anti-corruption agency, including a risk analysis and detailed cost assessment

Introduction

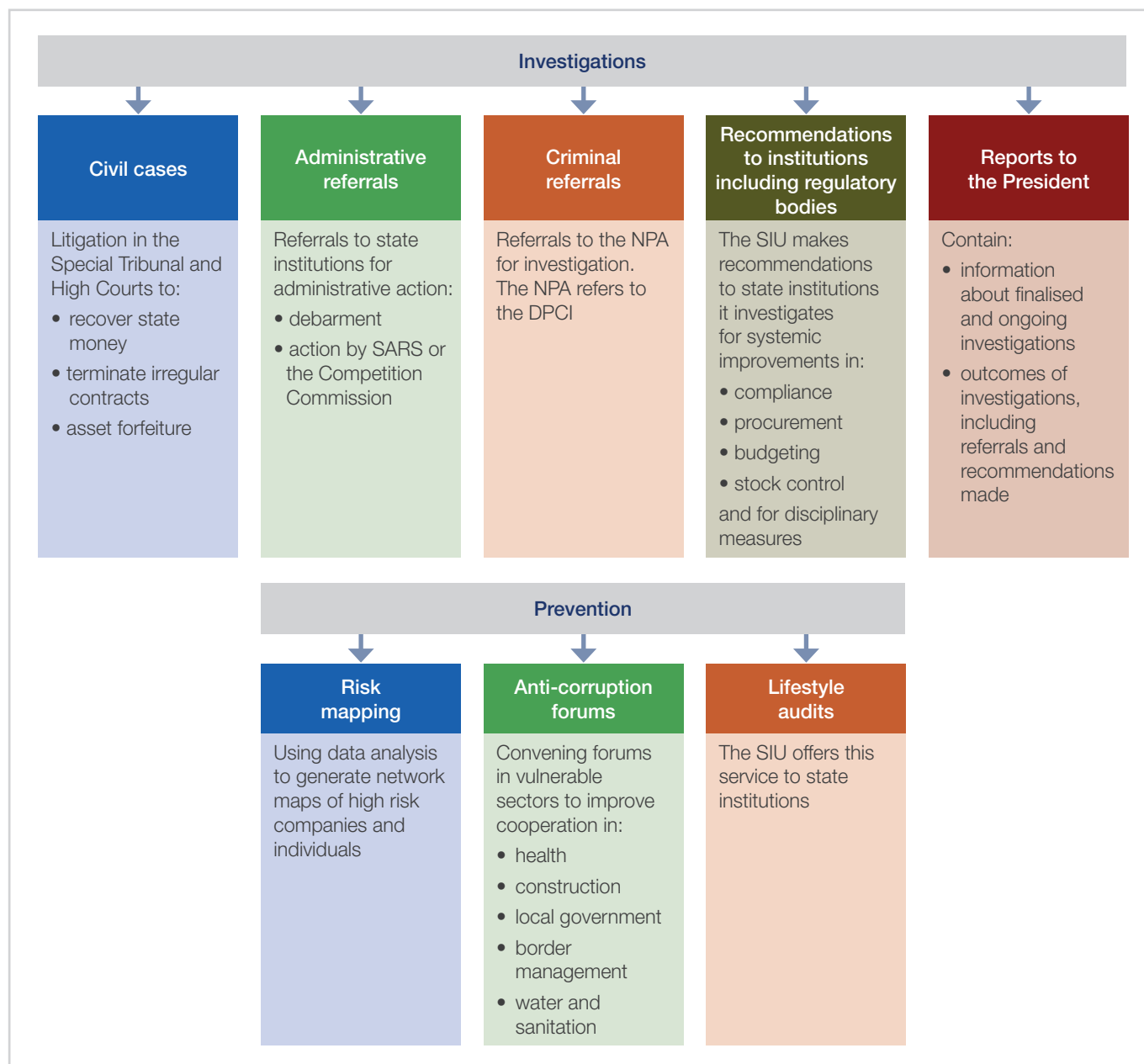
The Special Investigating Unit (SIU) is an anti-corruption agency focused on recovering government losses from financial crimes using civil law remedies. It was established in 1996 in terms of the Special Investigating Units and Special Tribunals Act.¹ The SIU is known as one of the South African government's most effective anti-corruption agencies.²

This policy brief examines the features associated with the success of the SIU. It also explores the challenges

facing the institution and makes recommendations for how to address these. The brief proposes short-term legal reforms to strengthen the SIU and considers next steps for the proposal by the National Anti-Corruption Advisory Council (NACAC) to make the SIU a new dedicated anti-corruption agency.³

The policy brief was researched in cooperation with the SIU. Data was gathered through in-depth semi-structured interviews with SIU staff and other expert practitioners, as well as through a literature review and additional desktop research.

Chart 1: SIU functions



What does the SIU do?

Investigations

The SIU's primary mandate is to investigate serious allegations of corruption, malpractice and maladministration in the administration of state institutions. These investigations are triggered by referrals from state institutions, a whistleblower complaint or a referral from the Auditor-General, but must be initiated under a Presidential proclamation.

The SIU assesses complaints against the requirements in section 2(2) of the SIU Act to determine whether it has jurisdiction. If the complaint meets these criteria, the SIU submits a motivation for a proclamation to the President via the Department of Justice and Constitutional Development (DOJCD). A Directorate in the DOJCD again assesses the motivation to see whether it meets jurisdictional requirements and is feasible. If so, the Directorate sends it to the Director-General of the DOJCD, who may escalate it to the Deputy Minister, the Minister, and ultimately the President for approval.

Once the President signs the proclamation, the DOJCD publishes it in the Government Gazette, and the SIU may start its investigation.⁴ However, the current process through which a proclamation is issued is cumbersome, slow and creates opportunities for interference.

The SIU Act provides for investigative powers, such as search and seizure and subpoena powers. It provides that the SIU will launch civil litigation to recover funds and refer criminality to the National Prosecuting Authority (NPA).

Prevention

The SIU Act does not explicitly empower the SIU to do corruption prevention work. Yet the need for this work has become obvious and, over time, these functions have accrued to the SIU. Moreover, the SIU is in the process of developing a Corruption Risk Management and Prevention Framework, which is currently going through a public consultation process. This will be ultimately be tabled before the Cabinet for approval. It is envisaged that the Framework will provide for a uniform approach to risk management and corruption prevention in South Africa.

Corruption prevention takes several forms. The SIU makes administrative referrals to state institutions for appropriate action, such as debarment. It also makes recommendations to the institutions it investigates for systemic reforms, such as improvements in compliance and procurement systems and the implementation of disciplinary measures.

The SIU has also developed techniques for risk mapping through data analytics. This forward-looking approach identifies suspicious patterns in procurement processes and supplier behaviour. This is intended to inform duty bearers in institutions who can take preventive action.

Mapping patterns highlights where corruption risk is likely to arise and helps tailor recommendations to prevent it

Network analysis identifies risk factors such as suppliers operating in multiple provinces, those offering goods or services outside their usual business activities, and directors who are politically exposed. Mapping these patterns highlights where corruption risk is likely to arise and helps tailor recommendations to prevent it.

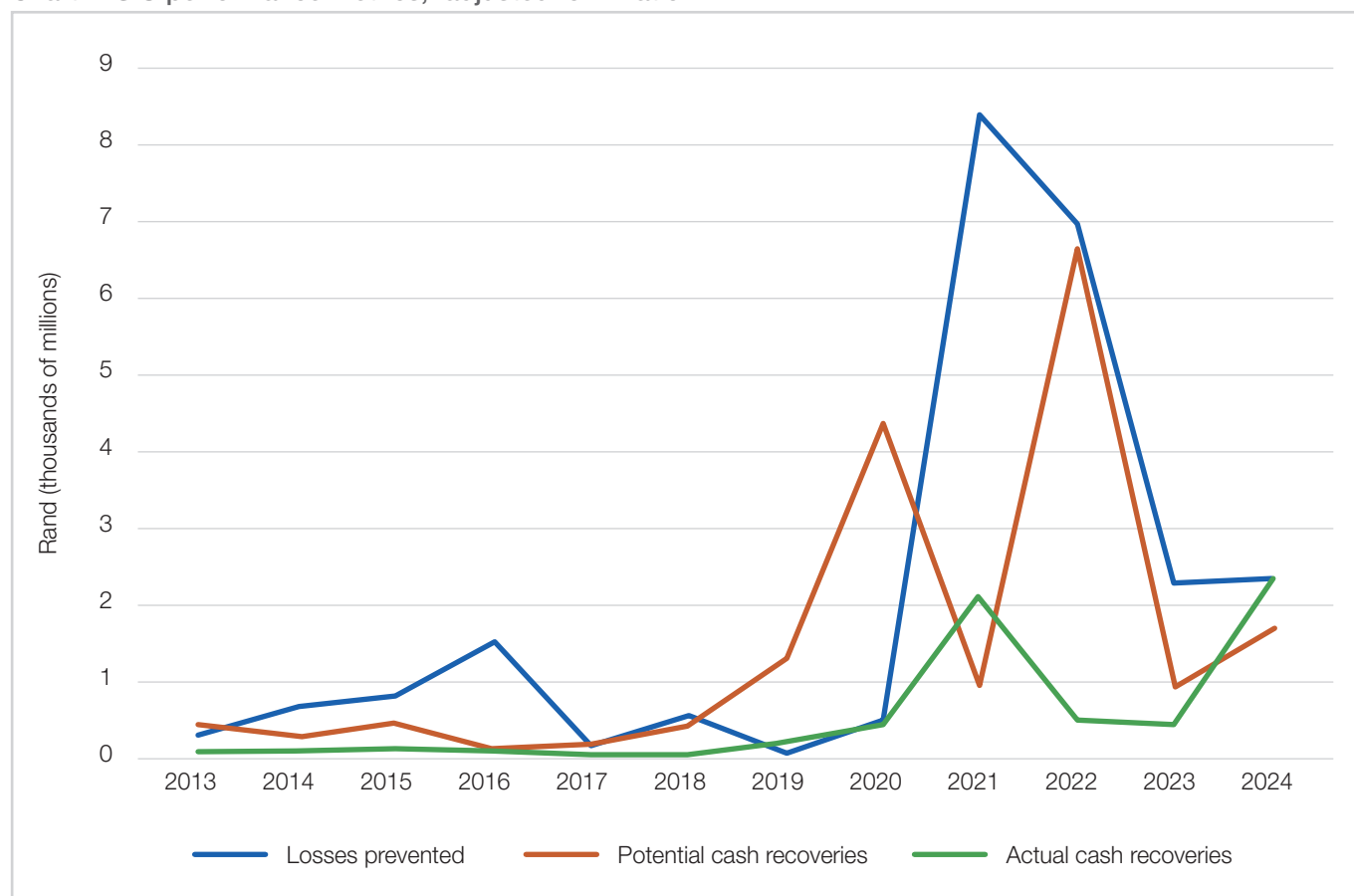
Performance of the SIU

It is difficult to measure the effectiveness of anti-corruption agencies, and reputation is often used as an indication of effectiveness.⁵ The SIU is reputed to be one of the more effective anti-corruption agencies in South Africa – an 'island of integrity' in the context of systemic corruption.⁶

Data supports the SIU's reputation for effectiveness. Its performance is measured in financial terms – specifically, losses prevented, potential recoveries and actual cash recovered. Chart 2 illustrates this performance and its improvement over time as the organisation has grown.

The graph below demonstrates an upward trajectory over time of financial value recovered and losses prevented by the SIU. The spike between 2021 and 2023 represents the high number of cases instituted and finalised at the Special Tribunal concerning investigations into COVID-19 procurement.

Chart 2: SIU performance metrics,⁷ adjusted for inflation



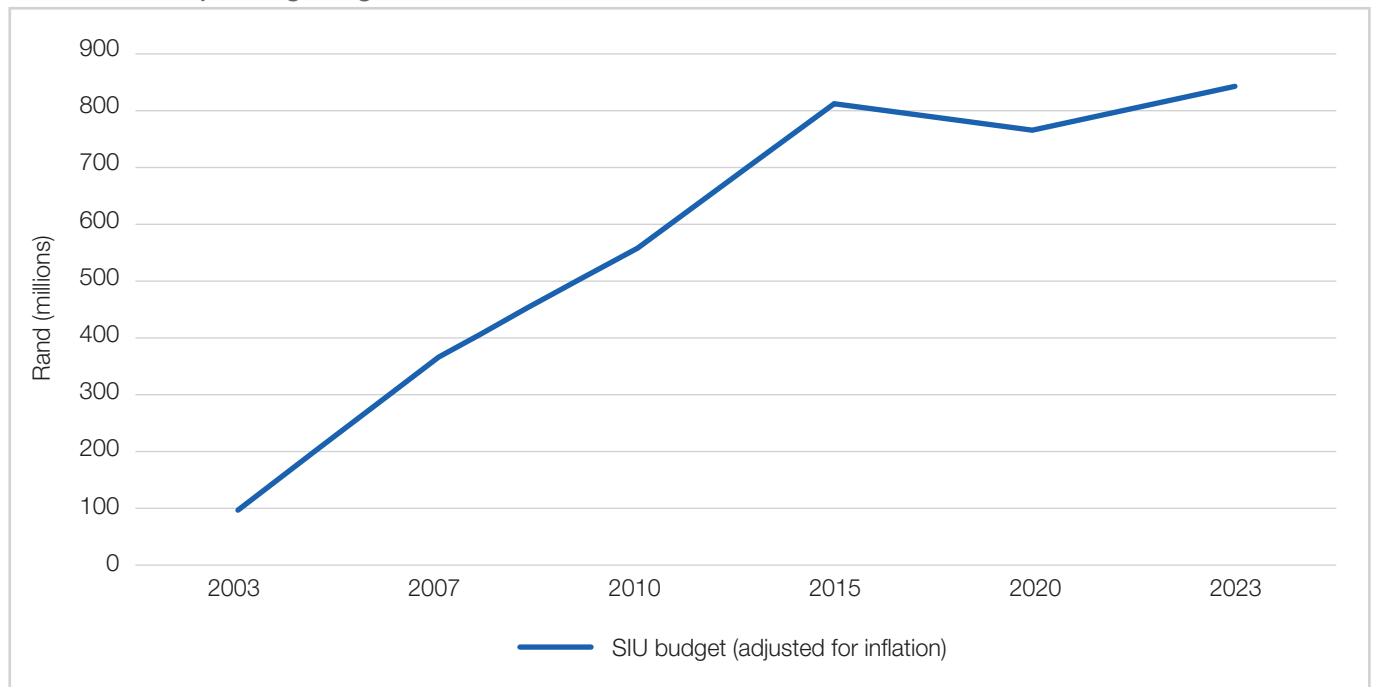
Source: Special Investigating Unit

Chart 3: SIU audited performance information, 2019/20 – 2023/24

Performance measure	19/20	20/21	21/22	22/23	23/24	Total
Potential value of cash and/or assets recoverable (R')	296 943 069	818 620 834	5 960 575 800	846 025 537	1 292 160 810	7 922 165 240
Actual value of cash and/or assets recovered (R')	48 650 657	1 802 674 333	436 416 719	388 890 373	2 285 607 793	4 962 239 875
Value of contracts set aside (R')	4 330 000 000	7 168 839 605	5 541 897 317	300 643 935	2 137 358 278	17 341 380 857
Value of potential losses prevented (R')	400 000 000	2 783 993 149	6 263 013 767	2 166 813 533	2 327 022 324	11 613 820 449

Source: Special Investigating Unit

Chart 4: SIU's operating budget



Source: Special Investigating Unit

SIU funding model and budget

The SIU's current funding model was introduced in 2012 and provides for two sources of funding. The SIU receives a budget from the DOJCD, and it may bill the institutions it investigates for the services provided and retain these funds.⁸

The SIU also benefits from Schedule 3A of the Public Finance Management Act. Unlike most government departments, it can retain a reserve and use it to invest in organisational development.

The share of the budget allocated by DOJCD to the SIU has dropped to roughly 40% of the SIU's annual budget

Since 2012, the share of the budget allocated to the SIU by the DOJCD has dropped to roughly 40% of the SIU's annual budget.⁹ In addition, some departments are reluctant or unable to pay for SIU investigations. The current model does not provide secure funds for the SIU. Despite this, the Unit's workload has increased significantly, and it is more reliant on its reserves to cater for these additional costs.

Drivers of the SIU's reputation for success

Several factors contribute to the SIU's reported success. Initiatives to enhance the SIU should build on these strengths.

Civil law remedies

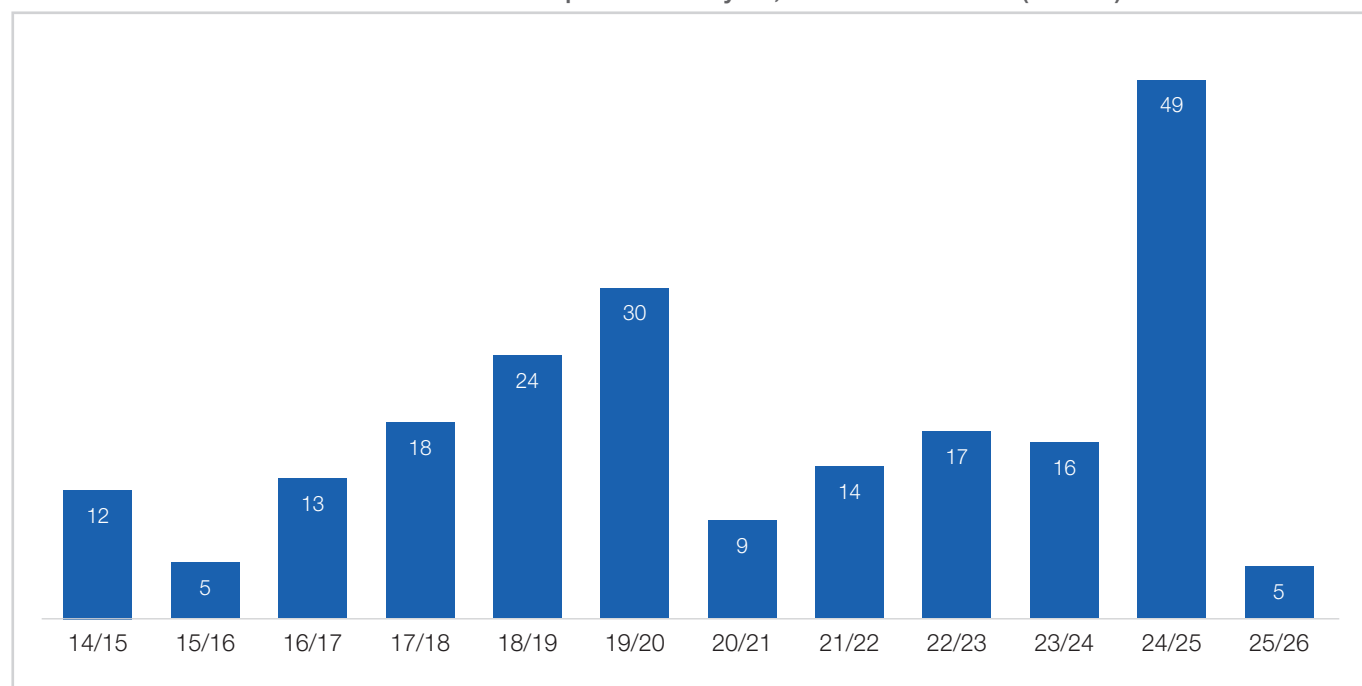
The criminal justice system does not have the capacity to investigate and prosecute complex corruption cases on a large scale.¹⁰ It is difficult to prove such cases beyond a reasonable doubt, which is the criminal burden of proof.

The SIU uses civil law to recover debts owed to the state. Therefore, it only has to prove cases on a balance of probabilities (a lower threshold). Civil recovery processes have the potential to 'recover proportionally more assets than criminal.'¹¹

Growth of SIU operations

Since 2001, 300 Presidential proclamations have been issued to authorise the SIU's work. Of these, 164 (55%) have been issued since 2018, during President Cyril Ramaphosa's administration. In the 2024/25 financial year alone, 49 proclamations were issued. Five proclamations have been reported to date in the current year.¹² The resulting investigations and reports have raised the SIU's profile and reputation.

Chart 5: Presidential Proclamations received per financial year, 2014/15 – 2025/26 (to date)



Source: Special Investigating Unit

Organisational culture

SIU personnel appear to be positively motivated compared to those in many other government institutions. Interviewees emphasised the organisation's 'employee value proposition', including benefits such as leave and professional development opportunities, as a key contributor to staff morale. The SIU also incentivises lifelong learning, which helps foster a culture of excellence.

SIU processes prioritise integrity among staff and service providers. Procedures include electronic integrity testing and lifestyle audits of employees, the screening of external service providers and consultants and ethics training for new recruits.¹³

Research shows the importance of leadership in creating cultures of integrity in organisations, particularly within anti-corruption agencies.¹⁴ The SIU has benefited from strong ethical leadership, notably under Willie Hofmeyer (2001–2011), Vas Soni SC (2013–2015) and Andy Mothibi (2016–2025). Mothibi began his career at the South African Revenue Service, where leaders such as Pravin Gordhan instilled in staff a strong ethic of serving a 'higher purpose.' This is a legacy, he believes, that continues within the SIU.¹⁵

The Jakarta Statement on Principles for Anti-Corruption Agencies is an international standard developed by the United Nations (UN) Office on Drugs and Crime. It provides that the heads of anti-corruption agencies should be appointed through a process that guarantees their independence, integrity and competence.¹⁶ While the current procedure to appoint the head of the SIU is competitive, it is insufficiently transparent.¹⁷

SIU budget

The SIU controls its budget and, in principle, has opportunities to generate and retain funds. This aligns with the Jakarta Principles, which provide that the financial autonomy of these agencies is essential.¹⁸ The above features are likely a strong contributor to the SIU's effectiveness.

Control over human resources

The SIU has its own salary scales and grading system, independent of the Department of Public Service and Administration's public sector framework. This enables the SIU to attract skilled staff. It is staffed by 723 carefully selected personnel.¹⁹ Depending on the case, teams may include forensic investigators, forensic accountants, data analysts, cyber-forensic specialists and lawyers.

The Jakarta Principles note that control over human resources functions is another key factor for the success of anti-corruption agencies. Strategic and innovative human resource practices include partnerships with various universities to build staff capabilities. The SIU has established a new Anti-Corruption and Cyber Forensic Academy at Justice College in Tshwane.²⁰

Political will

Political will is the most important factor for the success of an anti-corruption agency, and a lack of political will is frequently cited as a reason for their failure.²¹ The SIU's mandate is currently such that it can only operate when there is political will, since it cannot investigate without a Presidential proclamation.²² By withholding approval, a President might prevent the SIU from investigating him/her or their allies.

The fact that the SIU cannot threaten the President and his allies was a key factor protecting the SIU during the Zuma years, when other anti-corruption agencies were deliberately incapacitated.

Operational challenges and future options

Streamlining the issuing of proclamations

Delays in the administrative processing of proclamations at the DOJCD have sometimes amounted to several years. This has frustrated the recovery of funds, which can be hidden or dissipate quickly. In turn, this might delay the referral of cases to the NPA, result in the loss of evidence and slow down disciplinary processes for state employees.

These delays frustrate the purpose of the SIU Act, which is to provide for the swift recovery of state funds. The process of approvals by different DOJCD officials has evolved through a series of executive decisions and is not required by the SIU Act. For greater efficiency, it should be abolished.

The SIU, DOJCD, and the Presidency had previously concluded a Memorandum of Understanding to improve the timelines for processing proclamations. Improvements have been made in the current and previous administrations to address the causes of the delays and speed up the signing of proclamations.

Greater predictability regarding time frames for the DOJCD's processing of proclamations is necessary.

Importantly, this would also enable effective oversight by the Parliamentary Portfolio Committee.

Implementation of SIU recommendations

SIU recommendations are not legally binding. A convoluted system of accountability for implementation has evolved.

On completion of an investigation (or annually for longer investigations), the SIU submits reports to the President with outcomes on investigations and recommendations for remedial action, including disciplinary measures. The Presidency distributes reports to relevant institutions, drawing attention to outstanding recommendations. It then monitors the implementation of recommendations.

There is a risk of implementation inefficiencies due to bureaucratic delays, interdepartmental politics, budget shortfalls, mere tick-box compliance and political interference. The SIU has established a central Case Monitoring Mechanism, which will enable the tracking and monitoring of all SIU referrals for remedial action. This is intended to greater accountability and consequence management; stronger enforcement measures are needed.

Improving disciplinary action

For disciplinary action to be effective, there should be a high degree of certainty that consequences will follow. Strengthening disciplinary measures against officials found guilty of financial misconduct in disciplinary proceedings is essential.

Regulation 61 of the Public Service Act 103 of 1994 prohibits the re-employment of a state official dismissed for financial misconduct for a period of three years. An upcoming amendment to the regulations proposes extending this period to 10 years.²³

Disciplinary management in the national government is the prerogative of the head of each department, while in local government, it falls under the Department of Cooperative Governance and Traditional Affairs.

The SIU currently reports its findings about staff misconduct to the heads of departments and alerts the Technical Assistance Unit in the Department of Public Service and Administration. The Technical Assistance Unit plays an oversight role in disciplinary matters in terms of section 15 of the Public Administration Management Act, but with only nine employees, it lacks the resources to take meaningful action.²⁴

Strengthening the Technical Assistance Unit's capacity to oversee disciplinary action within government departments would likely improve the enforcement of SIU recommendations. Increased investment in corruption prevention generally, and the Technical Assistance Unit in particular, is likely to yield public savings in the medium to long term.

Early involvement of the Hawks

The SIU Act provides that where SIU investigations reveal evidence of corruption, the SIU must pursue civil recovery. In respect of evidence of criminality, the SIU must refer cases to the NPA. These processes are seen as parallel and complementary.

This complementarity needs to be developed through greater integration and cooperation between the SIU and the Directorate for Priority Crime Investigation or the 'Hawks'. Involving the Hawks at earlier stages of SIU investigations could improve effectiveness. Improving cooperation is particularly important in high-priority corruption cases, for example, those involving violence.

Optimising debt collection

As of March 2024, the SIU had a debt book exceeding R1 billion owed by 272 state institutions. In October 2024, the Unit launched Project Khokela, issuing letters of demand to these institutions for prompt debt settlement. Given the high number of new proclamations, the SIU is likely to face financial strain over the next 24 months. If unresolved, its financial reserves could be depleted in the foreseeable future.

Protecting SIU staff

The safety of SIU personnel is a serious concern identified by the Unit.²⁵ Investigators are sometimes involved in high-risk cases, including those where individuals have been assassinated.²⁶ Intimidation can occur during interviews or when delivering court papers, often without the support of security personnel. In response, some staff are provided with private close protection at significant cost to the SIU.²⁷

The SIU's case management plans should address threats to the safety of staff and whistleblowers. This cannot be implemented without an improved funding model.

Legal reform

Improve whistleblower protection

Whistleblowers are an important source of information for SIU investigations and an essential part of the solution for corruption. The UN Convention Against Corruption recognises that it is difficult to investigate corruption without help 'from the inside.' However, in a country where levels of violence are high, whistleblowers need enhanced protection, and the SIU cannot currently provide this. A wide range of reforms is needed to protect and incentivise whistleblowing.

Debarment

Debarment (known in South Africa as 'blacklisting') is an effective anti-corruption remedy that prevents companies implicated in corruption from doing business with the government. Unfortunately, there are 'gaps and loopholes' in the system that prevent it from working optimally.²⁸

The SIU refers companies to the government institutions it investigates for administrative debarment – that is, debarment without a court order. The accounting officer of the institution decides whether to list the company on the National Treasury's Database of Restricted Suppliers.²⁹ This process grants enormous discretionary power to accounting officers with insufficient transparency or accountability mechanisms – a recipe for corruption. Unfortunately, the new Public Procurement Act perpetuates this problem by failing to introduce corrective measures.³⁰

One solution could be to allocate oversight authority for debarment to a central institution, such as the proposed new anti-corruption agency (see below).³¹ Another solution is to amend the SIU Act to make the SIU's recommendations binding, as is the case with Chapter 9 institutions.

Changes to the SIU Act

South Africa promulgated the SIU's founding Act before acceding to the UN Convention Against Corruption in 2003. As a result, it does not reflect the country's obligation under Article 6 to create a dedicated anti-corruption prevention agency.

A new corruption prevention agency?

The SIU has been expanding its activities in corruption prevention. This expansion has taken place without a formal mandate. The NACAC has proposed a new independent corruption prevention agency – the Office of Public Integrity. It is envisioned that the new agency will be a Chapter 9 institution with similar levels of independence as the Public Protector. It will ‘incorporate’ the SIU and expand its mandate to include prevention.³²

While discussions about the new anti-corruption agency proceed, research should be undertaken into the risks associated with this proposal. In the interim, the SIU’s founding legislation should be amended to allow it to play a greater role in corruption prevention.

Implementation of recommendations

There is currently no legal obligation for institutions to implement the SIU’s recommendations. In the absence of such an obligation, heads of institutions need to convince accounting officers to implement these recommendations using common law rules about due process. This is not a strong enough basis. An example of a possible model is the Public Protector, whose recommendations are binding unless overturned by a court of law.

Strengthening the SIU funding model

Alongside improved debt collection, the SIU’s funding model should be revised for long-term sustainability. The United Kingdom’s Serious Fraud Office retains 20% of recovered funds.³³ This could be a potential revenue stream for the SIU. Another approach is to adopt the Auditor-General’s enforcement model, where binding recommendations can lead to Certificates of Debt, making accounting officers personally liable for unremedied financial irregularities.³⁴

Asset recovery powers

To recover the proceeds of corruption, the SIU needs powers to seize money and other assets. This is one of the most extreme forms of government power and, constitutionally speaking, it should be sourced in a law passed by the legislature.

However, the SIU Act does not provide for asset recovery powers; these were later granted through regulations.³⁵ Unlike legislation, regulations are made by the executive rather than passed by Parliament. This

may expose the SIU to legal challenges regarding the legitimacy of such extreme powers, and decisions by the SIU Tribunal could potentially be overturned. Addressing this legitimacy gap is essential to strengthen the SIU’s authority in this critical area.

Referrals by the SIU

The SIU Act makes provision for the SIU to refer evidence of criminality to the NPA.³⁶ This provision was drafted when the Directorate for Special Operations (the ‘Scorpions’) was still operative. When the Scorpions were replaced by the DPCI in 2009, the SIU Act was not amended to provide for referrals to the Hawks instead. This has created the undesirable situation where the NPA, which passes on the referral to the Hawks, is held to account for investigations outside its control.

Over time, the SIU also began to make administrative referrals to institutions for systemic improvements, such as improved procurement processes and financial management systems.

The SIU Act does not provide for these or for the implementation of these referrals. The Act should make formal provision for these practices and provide consequences for their lack of implementation.

Organisational independence

A key constraint on the SIU is that it cannot initiate investigations without a Presidential proclamation. Granting it greater authority in this regard could reduce the risk of the Unit being used selectively by a President, but it could also expose the SIU to heightened political vulnerability.

The NACAC has recommended that the SIU incubate South Africa’s proposed new dedicated anti-corruption agency. The NACAC recommends that its independence should be entrenched in the Constitution.³⁷

A risk analysis is needed to determine the feasibility of the NACAC proposal. This includes determining what measures would be needed to prevent the dilution of the SIU’s current capabilities and manage political risk.

Leadership appointment procedure

There are several ways to strengthen leadership appointment processes in anti-corruption agencies:

- Introduce statutory criteria that prioritise quality, including educational qualifications and integrity
- Ensure more transparency in the appointment processes
- Institutionalise panels to evaluate nominees
- Require parliamentary ratification of executive appointments³⁸

Conclusion

The SIU's current successes should be expanded upon with careful regard for the key risks associated with expansion. This is especially important as support grows for its evolution into South Africa's new dedicated anti-corruption agency. At the same time, it is essential to address the factors that currently limit the SIU's potential for even greater impact.

Notes

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- 35 PublicA preservation order is an interim measure whereby the property is held by the state pending final adjudication of the asset forfeiture process. The power is currently conferred on the National Director of Public Prosecutions under Part 2 of the Prevention of Organised Crime Act 121 of 1998 and is, therefore, authorised for use in criminal proceedings.
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