



**ENQUIRY INTO THE  
SOUTH GAUTENG  
DIRECTOR OF PUBLIC  
PROSECUTIONS'  
FITNESS TO HOLD OFFICE**

**IN THE ENQUIRY IN TERMS OF SECTION 12(6) OF THE NATIONAL  
PROSECUTING AUTHORITY ACT 32 OF 1998 INTO THE FITNESS OF  
ADVOCATE A CHAUKE (ADV CHAUKE) TO HOLD THE OFFICE OF THE SOUTH  
GAUTENG DIRECTOR OF PUBLIC PROSECUTIONS**

**HELD IN PRETORIA**

In the matter between:

**NATIONAL PROSECUTING AUTHORITY**

Applicant

and

**ADV MASENYANE ANDREW CHAUKE**

Respondent

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**RULING**

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**CORAM: Nkabinde J – Chairperson  
Adv Baloyi-Mere SC – Panel Member  
Attorney Ramagaga – Panel Member**

**PANEL:**



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1. The Applicant launched an application for an amendment of the Terms of Reference (ToR) published by the President of the Republic of South Africa on 30 September 2025 establishing an enquiry under section 12(6) of the National Prosecuting Authority Act, 1998 (NPA Act) into Adv MA Chauke's fitness to hold office as a Director of Public Prosecutions (South Gauteng). The application was opposed by Adv Chauke, the Respondent.
2. In this Ruling, the Panel seeks to provide brief reasons for its decision which will become apparent below. Full reasons for the decision will be set out in the Report to the President at the end of the Enquiry.
3. It is important to mention that the existing ToR may be amended by the President in terms of clause 7 thereof, in the event of "new matters" emerging during the course of the Enquiry. It is also important to highlight that, in consequence of the dispute of facts that had arisen from the matters raised and the import of certain court decisions as well as the Respondent's alleged role in the cases mentioned, the President established this Enquiry to, among other things, assess the correct facts regarding the issues raised in the ToR and submit a Report to the President, together with all documents filed of record.
4. The relief sought in paragraph 1 of the notice of motion reads:
  - "1. That the proposed amendment to the [ToR] dated 19 September 2025 ... be and is supported and recommended by the Honourable Panel for referral by the Minister to the President ... for his approval."
5. In the amendment sought, the Applicant seeks to add, replace, expand and introduce certain phrases into the ToR. As stated by the Applicant itself, the proposed amendment essentially seeks to clarify the existing ToR. Explicitly



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from the Applicant's papers, including its written submissions, the proposed amendment does not introduce any new matters or new charges.

6. In his opposition, the Respondent contended mainly that the proposed amendment is prejudicial to him as it fundamentally alters the scope of the matter to which he was invited to answer, had prepared for and which matter unfolded and continues to unfold before the Panel. Differently put and properly understood, the Respondent's contention is that the application to amend the ToR is procedurally and substantively defective in that it was brought after the commencement of the Enquiry, specifically after the evidence in chief of the National Director of Public Prosecutions – Adv S Batohi, was led and concluded and when cross-examination was ongoing. It is contended further that the proposed amendment, which in the words of the Applicant itself, seeks to clarify the existing ToR does not warrant any such proposed amendment.
7. Having carefully read the papers and considered the written submissions by the Parties and due regard being had to the entire context of the evidence already presented, the Panel is not convinced that the matters raised do not constitute new matters to warrant the amendment sought.
8. Accordingly, for these reasons that will be amplified by full reasons that will be included in the Report, it is recommended that the relief sought under paragraph 1 of the notice of motion be not granted.
9. In its submissions, the Applicant proposed that an extension of the period of the Enquiry be granted by an additional period of two months subject to the Panel's discretion and motivation. This is a matter that is under consideration by the Panel. The extension as raised by the Applicant will, in the circumstances, be

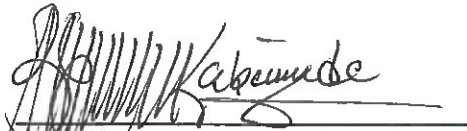


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inevitable. The Panel will, with due consideration of all relevant factors to be placed before the President, request for an extension in due course.

10. This Ruling shall be transmitted to the President through the Minister of Justice and Constitutional Development, Ms MT Kubayi, MP.

**DATED ON FRIDAY, THE 19<sup>th</sup> DAY OF DECEMBER 2025.**

  
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**JUSTICE B.E. NKABINDE**  
**ENQUIRY CHAIRPERSON**