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Zondo Commission – Ramaphosa fires Jiba, Mrwebi

Nomgcobo Jiba and Lawrence Mrwebi have been sent packing from the National Prosecuting Authority (NPA) by President Cyril Ramaphosa, on the recommendation of retired Constitutional Court Justice Yvonne Mokgoro, who oversaw a commission of inquiry that sought to determine the pair's fitness for office.

Jiba was a deputy national director of public prosecutions (DNDPP), which made her the second in command within the NPA, while Mrwebi was the head of the NPA's special commercial crimes unit. When their new boss, NDPP Shamila Batohi, took office in January this year, the pair had been on suspension for three months, pending the findings of the inquiry. Their names have also featured in stinging allegations in the oral evidence of several witnesses before the commission of inquiry into state capture, chaired by Deputy Chief Justice Raymond Zondo.

Bosasa cash-for-info scheme

Former Bosasa chief operations officer Angelo Agrizzi's testimony in January this year implicated both Jiba and Mrwebi in a cash-for-information scheme that involved compromising the NPA's corruption case against the facilities management company. According to Agrizzi, Bosasa paid the two to leak any and all information related to a corruption case brought forward by the Special Investigating Unit (SIU), so that the company could know the case's progress within the NPA at any given time. The facilitator of this arrangement was former national commissioner of the Department of Correctional Services, Linda Mti, who was himself implicated in the SIU investigation as having played a role in the irregular processes of awarding Bosasa a number of contracts over a period of several years.

Jiba got R100 000 monthly, while Mrwebi was paid R10 000, amounts that Agrizzi explained were in proportion to the amount of work each put in for the scheme.

NPA senior prosecutor Advocate Marijke de Kock confirmed to the commission in later testimony that the documents that Agrizzi had submitted were authentic NPA records leaked during her investigation several years ago. She had raised concerns back then that there were systematic information leaks that put Bosasa a step ahead of the NPA in the case, but nothing could be done at the time because the source of the leaks could not be determined.

An axe to grind with Booysen

More recently, the pair were implicated in the evidence of former KwaZulu-Natal (KZN) Hawks head Johan Booysen, who was prosecuted on racketeering charges brought against him by Jiba in 2012. Booysen had pursued a case of corruption against politically-connected Durban businessman Thoshan Panday and two accomplices who were senior officials in the South African Police Service (Saps) head office in the city. One of them, Navin Madhoe, was captured by Booysen in a sting operation in

September 2011, when he delivered bribe money to Booyesen in exchange for an incriminating investigation report from the latter.

Booyesen told the inquiry of constant political pressure and interference in the case. The KZN Saps commissioner, Mmamonye Ngobeni, had tried to stop the case in its initial stages, but support from then national Hawks head Anwa Dramat ensured that Booyesen took it further. Its merits for prosecution would later be questioned by Mrwebi, on the basis of a presentation by Madhoe's lawyer. Prosecutor Bheki Mnyathi argued for the pursuit of the case with a detailed legal opinion that seemed to keep Mrwebi at bay, but did not stop the provincial NPA head, Moipone Noko, from withdrawing the case against Madhoe and Panday. Noko joined the provincial NPA in mid-2012, after Mnyathi's efforts. Her withdrawal of the case would result in a legal tug of war that saw it reinstated and taken under review over time.

As payback for Booyesen's persistence, Jiba built and brought forward a case of racketeering against him, for which he was arrested. Booyesen described the arrest as a media spectacle, by members of the crime intelligence unit who, he said, wanted to humiliate him in front of his junior colleagues. The charges were related to the alleged extrajudicial killings by the Cato Manor "death squad", of which Booyesen was alleged to be the leader, by virtue of his seniority to the said unit. The Durban High Court set aside Jiba's decision in 2013, finding that it was irrational.

Final nail in the coffin

Jiba and Mrwebi's integrity was undoubtedly compromised in their decision making, bringing the NPA into disrepute and threatening its independence in the eyes of ordinary South Africans, Mokgoro is reported to have concluded. Of Jiba, she said: "We find that Jiba's conduct had the effect of seriously damaging public confidence in the NPA. We find that as a senior member of the NPA, Jiba has displayed irreverence to the courts and indifference to their processes, resulting in adverse comments being made about her."

Mrwebi was also found to have acted against the interests of the NPA when he withdrew charges against the former head of the police's crime intelligence unit, Richard Mdluli, showing a lack of integrity towards the rule of law. "The courts have levelled criticisms and concerns in the manner in which Mrwebi has discharged the duties of his office and conducted himself towards the courts," Mokgoro notes in her report. "Mrwebi's conduct was openly at variance with what is expected of a person in his position." she stated.

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