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Zondo Commission – No interview required for Nxasana appointment

Former National Prosecuting Authority head Mxolisi Nxasana has told the commission of inquiry into state capture that he did not have to undergo an interview ahead of his appointment to the position in 2013.

Nxasana is the first witness to have been called on the directive of chairperson Deputy Chief Justice Raymond Zondo. Evidence leader and head of the legal team Paul Pretorius told Zondo at the beginning of proceedings on Wednesday that Nxasana was only asked last week to avail himself, and because of the tight schedule between his submission of a statement and his testimony, notices would only be sent to implicated persons after his oral evidence is completed.

Former president Jacob Zuma's legal advisor Michael Hulley approached Nxasana some time in 2013 – while he was in private practice – with a list of potential candidates for the position of national director of public prosecutions (NDPP). He told Nxasana that these were names that had been recommended to Zuma, but on probing their backgrounds he learned from Nxasana's colleagues in his base town of Durban in KwaZulu-Natal that Nxasana himself was probably the best candidate.

“He told me that he was looking for a candidate to fill the position of NDPP as he was mandated by president Zuma. He had with him three names that he said had been given to him by my colleagues in Durban, but when he bounced those names off the colleagues, they were of the view that I was the person who could do the job.”

A meeting was later arranged where Nxasana would meet Zuma. This happened at the former president's official residence in Pretoria in August, where Hulley was also present, as well as Bonisile Makhene, who was introduced to Nxasana as another of Zuma's legal advisors.

“The president asked if I have the courage to take up that position, to which I responded by saying yes I do, and I even said to him knowing that he has been through hardships I thought he meant that I would be able to take decisions independently and firmly.” Zuma went to say in isiZulu that the position is *ifana nemikhonto esuke ibheke kuwena*, meaning that it was like spears are all pointed at you.

At the end of August, Hulley asked Nxasana to send his CV, and a scheduled announcement by Zuma of his appointment had had to be pushed forward to the next day, owing to an information leak from the presidency. Zuma had initially planned to make the announcement the following week, but it was done the next day, clarifying that Nxasana would occupy office from October.

His security clearance application was only completed once he was in office, as was his contract and oath of office signed.

Nxasana continues to testify.

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