



**19 August 2019**

### **Zondo Commission – Jiba, Mrwebi spread rumours to induce Zuma to fire Mxolisi Nxasana**

Former justice minister Jeff Radebe initiated the push in 2014 for Mxolisi Nxasana to vacate his position as the national director of public prosecutions (NDPP), which eventually happened in 2015. According to Nxasana, former president Jacob Zuma seemed to be under immense pressure to fire him, following some false rumour peddling by Nomgcobo Jiba and Lawrence Mrwebi that Nxasana would reinstate corruption charges against Zuma.

Nxasana returned to give testimony before the commission of inquiry into state capture on Monday, after his first appearance was cut short in June by an interruption on procedural grounds. He described his tenure as head of the National Prosecuting Authority (NPA) between October 2013 and May 2015 as difficult, due to a campaign to remove him that was launched soon after his appointment.

The origin of the campaign was that Jiba, according to Nxasana, had been promised the top job by Radebe, as is evident in a memorandum prepared for Zuma at the time of Nxasana's appointment. This, said Nxasana, was because she had acted in the post for some time before Zuma looked beyond the NPA for a permanent NDPP, having earlier been forced to remove Menzi Simelane on grounds of not being fit for office, as per the findings of the Ginwala commission of inquiry.

After some time in office, he began separate processes to deal with Jiba, then his deputy, and Mrwebi, who was the head of the NPA's directorate of priority crime investigations. A commission for the pair's fitness for office was initiated. However, Nxasana received a letter of suspension from Zuma late in July, months after Radebe's successor Michael Masutha had assured him that Zuma was considering Nxasana's intentions to investigate Jiba and Mrwebi for their conduct. Masutha, said Nxasana, had the submission detailing Nxasana's intentions, but nothing materialised out of that process.

Jiba and Mrwebi pushed the notion that Nxasana was also unfit for office and was causing division within the NPA. On the back of these rumours, Nxasana requested to meet with Zuma prior to his suspension, but got a sense that the former president was avoiding him for some time. When they did eventually meet at the home of King Zwelithini of the Zulu nation, Zuma told Nxasana he had heard the latter had held numerous meetings with the founding head of the NPA, Bulelani Ngcuka, who had initially brought charges against Zuma and hated him with a passion, according to Zuma. This, concluded Nxasana, was what had fuelled Zuma's resistance to meeting with him, and had grown from the rumours spread by his subordinates.

Jiba and Mrwebi were removed in April this year by President Cyril Ramaphosa following an enquiry into their fitness for office, led by retired Constitutional Court justice Yvonne Mokgoro. Jiba is appealing the findings of this process, and her legal representative objected to the commission's leading of Nxasana's evidence in June despite a notice of her implication not having been served on her as per the

commission's rules. On that basis, chairperson Deputy Chief Justice Raymond Zondo opted to halt the evidence to give Jiba time to go through Nxasana's evidence.

In his earlier testimony in June, Nxasana had told the commission that Zuma's legal adviser Michael Hulley had approached him with a proposal for the job of NDPP, stating that his name had been recommended by his colleagues in the legal field. He said that despite Jiba's efforts to oust him, he was always aware of her pleasant demeanour towards him. "There was no reason that Jiba and I couldn't work together professionally."

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