

Pikoli tipped to replace Abrahams as NPA boss

President Cyril Ramaphosa's clearly stated plans to restore the credibility of the National Prosecuting Authority will soon be given impetus with the Constitutional Court expected to rule inside two weeks on whether the appointment of Shaun Abrahams as head of the authority was valid, notes [Legalbrief](#). The court has taken more than five months to reach a decision on whether Abrahams should stay or go, a delay the [Financial Mail](#) notes has led to rampant speculation over the court's decision, which, it speculates, is expected to be split. Legal consensus strongly suggests the court's majority decision will be that Abrahams will have to vacate his office, the report says, which, according to the [FM](#), opens the door for the return of former National Director of Public Prosecutions Vusi Pikoli. **The report notes he was approached months ago to consider returning to the post he was suspended from by then President Thabo Mbeki in 2007.** Pikoli maintained that his removal was motivated by the Scorpions' corruption prosecution of former National Police Commissioner Jackie Selebi, a long-time Mbeki ally. Selebi was convicted of corruption in 2010 and sentenced to 15 years behind bars. Pikoli reportedly did not respond to requests for comment, but the [FM](#) says sources have confirmed that he is a 'strong contender' for the post. Crucially, he is said to have broad support inside the NPA.

Pikoli's exit from the NPA has been linked to the perceived demise of the institution's independence and credibility, notes the [Financial Mail](#). In his State of the Nation Address in February, Ramaphosa made it clear that his administration was intent on dealing with the NPA's leadership problems. 'We will urgently attend to the leadership issues at the NPA to ensure that this critical institution is stabilised and able to perform its mandate unhindered,' he said. But the legal battle over the unlawful R17.3m 'golden handshake' given by former President Jacob Zuma to ex-NPA head Mxolisi Nxasana to vacate his office in 2015 effectively stymied Ramaphosa in addressing those issues. The Gauteng High Court (Pretoria) found that Nxasana's removal was unlawful and unconstitutional, but that to automatically reinstate him would also be unlawful as he had acted 'recklessly' in accepting the deal. A full Bench, led by Judge President Dunstan Mlambo, also found that while the appointment of Abrahams as NDPP was unlawful, any decisions made by him while in the position were not invalid. He ordered that Ramaphosa, Deputy President at the time, should appoint a replacement for Abrahams within 60 days, as Zuma, then facing the prospect of prosecution for corruption, was too 'conflicted' to do so. The [FM](#) points out **it's crucial to note that the court order that Abrahams should be removed from office was not linked to any finding that he was unfit for the position. Rather, it was based on the legal consequence of Nxasana being unlawfully removed from his post.** It was this issue that seemed to preoccupy several of the Constitutional Court's justices when they were hearing arguments on whether it would be 'fair and equitable' for Abrahams to lose his post. Ramaphosa, it seems, is far less conflicted.