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Our ref. D Eloff/AF0108

Your ref:

01 August 2018

Mr JJ Mlotshwa
Deputy Director of Public Prosecutions
Priority Crimes Litigation Unit
Office of the National Director of Public Prosecutions
Pretoria
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Dear Mr Mlotshwa,

RE: STATE // PAUL O'SULLIVAN

1. We are instructed by our client, to place the following on record:
2. We wrote to you on 30 June 2018, (A copy of the letter is attached), advising that you have previously unlawfully and deliberately wasted our client's time and resources, by forcing him to attend court, prepared for trial, which you had known beforehand would not proceed. This letter received no response from you.

3. Furthermore, you intentionally misrepresented to Counsel on Monday of this week, that you were ready and would proceed with trial on even date, tomorrow and Friday (1 August – 3 August), despite knowing that you could not proceed to trial. This deliberate misrepresentation again caused our client to waste time and costs, for which you will be held personally liable.
4. On even date at the Palm Ridge Magistrates Court, you arrived at court and withdrew the charges in the case (CAS number 799/11/2011), after first attempting to 'provisionally' withdraw the charges, to create the impression that the matter may continue at some later date, in accordance with *modus operandi* you have followed for the last few years against our client.
5. It is our instruction to place the following on record:

Priority Crimes Litigation Unit 'PCLU'

6. The PCLU unit was set up by a Presidential Proclamation in 2003, to deal with 'Priority Crimes', that fall under the Rome Statute and was utilised for that purpose, until Advocate Abrahams was appointed as NDPP.
7. Thereafter the PCLU has been used, working hand-in-glove with rogue members of the DPCI, as the 'unit of choice' to deal with politically motivated false allegations, against not only our client, but against the likes of Anwar Dramat, Robert McBride, Shadrack Sibiyi, Johan Booyesen, Glynis Breytenbach, Julius Malema, Pravin Gordhan and the so-called 'SARS Three'.

The PCLU and our Client

8. On 1 April 2016, our client was unlawfully arrested and dragged off of a plane with his two minor children, and detained and tortured for three days, at the hands of the PCLU and rogue members of the DPCI, in an attempt to intimidate our client into not pursuing criminal dockets he had opened against the following people:

- 8.1. General Moonoo;
 - 8.2. General Mdluli;
 - 8.3. General Phahlane;
 - 8.4. General Ntlemeza;
 - 8.5. General Phiyega;
 - 8.6. Nomgcobo Jiba;
 - 8.7. Lawrence Mrwebi;
 - 8.8. Dudu Myeni;
 - 8.9. Lucky Montana;
 - 8.10. Edward Zuma;
 - 8.11. Khulubuse Zuma;
 - 8.12. Yusuf Kajee;
 - 8.13. Jen Chi Huang and others.
9. The above mentioned cases involved widespread, institutionalised fraud, corruption and racketeering involving amounts in excess of R10 billion. Not a single one of the many cases our client has opened, all of which contain *prima facie* evidence against the suspects, has led to the suspects being held accountable, whilst our client has been repeatedly harassed and intimidated and been subjected to multiple unlawful searches, arrests, and violation of his constitutional rights, over the last three years and four months.
10. Also of major concern to our client, is that the PCLU/DPCI teams that have been harassing and intimidating our client, commenced their activities *ultra vires* in terms of the 2003 Presidential Proclamation, in that decisions had been jointly made by the PCLU / DPCI to unlawfully arrest, detain and torture our client, as well as arraign him in court on fake charges, before, the written instruction from Adv Abrahams addressed to Jiba, on 12 April 2016.

Yourself, Warrant Officer Vlok and our Client

11. Each and every case unlawfully brought against our client, save for the unlawful case brought by the so-called North West team, was brought by you and Warrant Officer Vlok. Warrant Officer Vlok was also involved with the fake charges brought by the North West Team.
12. Without going into the details of each and every case maliciously brought against our client, we record that each and every case, has subsequently either been withdrawn, or our client has been found **not guilty**.
13. In respect of many of the cases brought against our client, you have unlawfully and intentionally delayed the conclusion of the cases, sometimes by launching fraudulent and failed applications for recusal of the magistrate, or launching fraudulent and failed application for review of a decision not to recuse.
14. In respect of two of the cases you unlawfully brought against our client, you publicly indicated you would appeal the not guilty verdict, yet have done nothing to advance such appeal, effectively making same moot.
15. In respect of the last of the many cases you brought against our client, which finally finished on even date at the Palm Ridge Magistrates Court, you knew that the original docket had been closed by the NPA with a 'decline to prosecute' noted on it back in 2014, as is clear from the SAP's Crime Administration System.
16. More importantly, you knew that Warrant Officer Vlok had removed the original (closed) docket from Alberton Police Station in February 2017. After the removal of this docket, you conspired with Vlok to recreate a fake docket, with fake evidence in it, so that you could continue your unlawful campaign against our client.

17. You did this in the full knowledge that our client had by February 2017, already opened multiple dockets of fraud, corruption and defeating the ends of justice, against you, Vlok, and many other senior police and NPA officials. It is therefore clear that not only was your conspiracy with Vlok at all material times, unlawful, it was motivated by your own desire to escape justice for your crimes against our client.
18. We are therefore instructed to inform you, as we hereby do:
19. Our client will apply for a certificate in terms of Section 7 (1) of the Criminal Procedures Act, to commence a private prosecution against you, Vlok and others that were involved in the gross abuse of his constitutional rights, whilst your unlawful campaign against our client has continued unabated. The cases in reference are as follows, some of which we believe are awaiting a decision with the South Gauteng DPP:

19.1. RANDBURG CAS 301/05/2015

- 19.1.1. Allegations: Perjury, Defeating the ends of Justice, fraud and corruption.
- 19.1.2. Suspect/s: Warrant Officer Vlok & Others.

19.2. SANDTON CAS 149/06/2016

- 19.2.1. Allegations: Unlawful arrest, unlawful detention, torture, Extortion, Corruption, Contravention of section 32 of the National Prosecuting Authority and Defeating the ends of Justice
- 19.2.2. Suspect/s: JJ Mlotshwa, Warrant Officer Vlok & Others

19.3. KEMPTON PARK CAS 96/08/2016

- 19.3.1. Allegations: Contravention of section 32 of the National Prosecuting Authority, fraud, and Defeating the ends of Justice
- 19.3.2. Suspect: JJ Mlotshwa

19.4. ALBERTON CAS 170/10/2017

- 19.4.1. Allegations: Theft of a criminal docket, fraud, and conspiracy to Defeat the ends of Justice
- 19.4.2. Suspect/s: Warrant Officer Vlok and JJ Mlotshwa

- 20. Our client will shortly issue a substantial damages claim, which claim will include Constitutional Damages, as a result of the malicious campaign against him.
- 21. Upon the success of such claim, our client will bring applications against you, Vlok and others within the NPA and DPCI, to obtain an order that you all be held jointly and severally liable for the ward our client secures.
- 22. Should you, or anyone else at the NPA, or DPCI, attempt to bring any more fake cases against our client, we will launch fresh urgent applications to stop you in your tracks.
- 23. Our client's right remain reserved.

Yours faithfully,



HURTER SPIES INC

AND TO: Adv Shaun Abrahams
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AND TO: Dr Torie Pretorius
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