

**DIRECTOR OF PUBLIC  
PROSECUTIONS KWAZULU NATAL**



The National Prosecuting Authority of South Africa  
Igunya Jikelele Labetshutshisi boMzantsi Afrika  
Die Nasionale Vervolgingsgesag van Suid-Afrika

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Reference: 9/2/4/4-2(3/2011)  
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11 April 2013

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Attention: Mr. Ian Smal-Smith  
E-Mail: ian@richmark.co.za

KwaZulu Natal  
South Africa

Dear Sirs

Tel: 033 845 4400  
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**S vs GAVIN VAREJES: TOWNHILL CAS 32/5/2002**

I refer to the discussion on 7 May 2012 between yourself and members of this office. During the discussion you made verbal and written representations submitting that the charges against your client, Gavin Varejes, be withdrawn. This meeting was attended by the following persons:

- Mike Hellens SC
- Lawrence Hodes SC
- Ian Smal-Smith (attorney)
- Lt. Col. E. Cloete
- W/O M. McLean
- Andrew Leask (AFU)
- George Hardaker (AFU)
- Gert Nel (DPP)
- Richard Xaba (DPP)

[www.npa.gov.za](http://www.npa.gov.za)



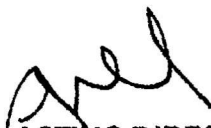
Justice in our society, so that people can live in freedom and security

Subsequent to this meeting you also forwarded copies of affidavits to me. During the discussion you invited the prosecution to conduct further investigations in order to properly evaluate your representations. A variety of logistical problems have prevented all of these investigations from being completed. A long delay has been occasioned by it. I apologise for it. I have, in any event, taken into account the various delays in the investigation and decision making processes. This matter relates to events that took place in April 2002.

Your client has never appeared in court and the trial was held in abeyance pending your representation and my response thereto. I confirm that you reported that although your client is not an accused before court the uncertainty about the matter causes anxiety. I have accordingly decided to proceed with the reconsideration of the matter without the benefit of the completed additional investigations referred to above. I am mindful of the impact of further delays on your client and I have satisfied myself that it is in the interest of justice to finalise the matter on this basis.

There is a prima facie case against your client, however, that circumstance in itself is not sufficient reason to justify a prosecution. A number of additional circumstances (such as the prospects of success) and our prosecution policy must also be evaluated /applied. Upon careful consideration of your representations, the available evidence and the NPA's Prosecution Policy I have decided to revoke my earlier instruction that your client be prosecuted.

Yours faithfully

  
**For ACTING DIRECTOR OF PUBLIC PROSECUTIONS  
KWAZULU-NATAL**