

National Director of Public Prosecutions
Head: National Prosecutions Service
VGM Building
SILVERTON

27 November 2025

E-MAIL: [REDACTED]
[REDACTED]

Dear Adv Batohi,

REPRESENTATIONS: STATE versus BABALO MADIKEZELA AND OSCAR MABUYANE

PARKWEG ROAD CAS 546/03/2021

OUR CLIENT: LONWABO BAM

1. Your 10/2/12/3-861/2024 dated 6 October 2025 refers.
2. We write this letter at a time when the National Director of Public Prosecutions (NDPP) is testifying at the Inquiry into the fitness of Adv Andrew Chauke to hold the office of the Director of Public Prosecutions (DPP) for South Gauteng.
3. This matter must be the clearest and most callous sheltering of politically connected individuals from prosecution. The DPP Eastern Cape's shameless and disingenuous masking of the identified irrationality of the decision not to prosecute, to our mind, casts serious doubt on the integrity of the office of the DPP Eastern Cape and individuals involved in this matter.
4. We have brought our client's concern to your attention and received the response mentioned above. What follows hereunder must concern your good office, as not only has our client been deceived, but so too has the DPP Eastern Cape deceived your office.

June 2024

5. We intend to address your paragraph 3, in which you respond to our allegations that the DPP Eastern Cape hides behind an “excuse” that there have been interactions between the SAPS and the NPA to deal with outstanding investigations by stating:

“I am unable to dismiss the DPP’s explanation as I am not in possession to any information to rebut same.”

6. Your and the DPP Eastern Cape’s responses prompted us to enquire with SAPS why they failed in their duty to conduct the requested further investigation.
7. We have received a response from the Provincial Head of the DPCI dated 25 November 2025 (attached), and we submit that this is not only an indictment of the integrity of the DPP East London, but also an apparent and immitigable attempt to shield politicians from prosecution.
8. In summary, Major-General M.B. Bokaba clearly states:
 - 8.1. “...with the decision not to prosecute having been made in agreement that there was no outstanding investigation.” (para 3)
 - 8.2. The DPCI sought, in a letter to the DPP Eastern Cape dated 24 January 2024, a review of the decision not to prosecute and *“no response was ever received from NPA citing concern on outstanding investigation into the matter”*.
 - 8.3. Ad paragraph 5:

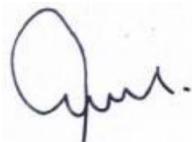
At no stage was it ever communicated to the Directorate for Priority Crime Investigation that there is outstanding investigation to follow on the matter.”

9. We submit that not only did our client, ourselves, and even the DPCI view the decision not to prosecute as irrational, but that the DPP Eastern Cape appears to have fabricated reasons to cover its irrational decision.
10. We submit that the only reasonable inference from the available information is that the DPP Eastern Cape's actions are amateurish, unprofessional, and a deliberate attempt to avoid scrutiny.
11. It is a shameful, absolutely embarrassing and damning indictment of the NPA that the DPCI, in response to our letter, approached the NPA to seek "*clarity on whether any investigation was to be done...*". Following the Nkabinde Inquiry, we are duty-bound to indicate that the disingenuous blaming of the SAPS' failure to finalise the investigation must, at a minimum, have brought the NPA's name into disrepute.
12. Expecting further excuses, and as we have previously experienced, an excuse of miscommunication between the SAPS and the NPA, the timeline of events becomes important. The timeline will, as the only reasonable inference, create the ineluctable inference that the excuses were deliberate attempts to avoid taking a decision or dealing with the irrationality of the decision not to prosecute.
13. The conduct of the DPP Eastern Cape succeeded in delaying the decision, which can only benefit the suspects in the matter.
14. Following the Nkabinde Inquiry and the steps taken to establish whether Adv Andrew Chauke is fit to hold the office of a DPP, we must accept that the conduct of those involved in this shameless and disingenuous masking of an irrational decision not to prosecute will also be investigated. We understand that prosecutors make decisions based on their skill, experience, and knowledge of the law, and that it may be reconsidered and reviewed.

Still, we hope that the identified disingenuous diversion of responsibility will not escape scrutiny.

15. We implore your good office not only to act on the information provided, but also to take decisive action to have the decision reviewed and referred to prosecutors with integrity who will not find excuses to conceal their irrational decision.
16. Your feedback is awaited in anticipation.

Yours sincerely,



GERRIE C NEL

HEAD: PRIVATE PROSECUTION UNIT

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