

Adv. Etienne Vermaak

5 June 2020

E-Mail: evermaak@outlook.com

Dear Adv Vermaak

CONDUCT UNBECOMING: MUNICIPAL OFFICIALS: JEROME PEDRO AND OTHERS

1. This letter bears reference to your letter referenced “DWARSKERSBOS INCIDENTS” dated 2 June 2020.
2. Notwithstanding our appreciation of the prompt response, the content of your letter creates a conundrum.
3. From the onset, we deem it apt to indicate that a reading of your letter establishes a mutually opposite state of affairs for yourself.
4. We will expound our concern *infra* but now summarise same with the observation that you represent the Bergrivier Municipality, that you were tasked to investigate the allegations contained in our letter and you report to the Municipal Manager who is one of the subject matters of our complaint

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5. The introductory unnumbered paragraphs of your letter unequivocally record your interest in the matter as the appointed representative for the Bergrivier Municipality whilst the numbered paragraphs advise us that you are the appointed investigator. You have signed the letter in your capacity as an advocate and the only logical inference is that you are the appointed legal representative of the Municipality.
6. Having noted that in your e-mail correspondence to us that you have carbon copied “cc” Hanlie Linde who is the Municipal Manager. We must accept that this is the same Municipal Manager and blogger who’s alleged demeaning and public utterances forms part of our complaint document and whom we most certainly did not encompass as an addressee in our correspondence to the Municipality.
7. The irresistible inference is that you are confirming an appointed reporting line to one of the persons implicated?
8. We have no intention to and acknowledge that we have no right to dictate to the Municipality what steps should be taken pursuant to our letter. Unfortunately in our view, your letter establishes an equivocation of the issues. You are informing us that you represent the Bergrivier Municipality but also that you are the appointed investigator which consequently gainsays every intention of **“an independent”** investigation
9. We, however, have no option but to accept your position as set out in your letter. We do implore you as a representative of the municipality to urgently provide us with the requested information about the investigation that was done by the

Municipal Manager. With the municipality already having pronounced on a concluded investigation, the responses sought are in our view both reasonable and would be a demonstration of the intention by the municipality to be transparent.

10. We must accept that, as your letter indicates in the numbered paragraphs, you are conducting another investigation. We would for the sake of clarity refer to the re-investigation or second investigation. If for purposes of your role as an investigator you cannot then respond to our letters to the municipality regarding the historical information and decisions taken, kindly urgently indicate who we must then direct our letters to in this regard?

11. We have noted with consternation the content of your paragraph 6. We find it perplexing that you are privy to such detail before the commencement of your investigation and would implore you to indicate who from and why you already know this? A more disturbing aspect is that the content seems to be factually wrong. The point was made that the Municipal manager “did not speak to Mr Pedro directly” but fails to address or put in context the content of her letter to the Rapport newspaper dated 15 Mei 2020.

12. In this letter (we have been provided with an unsigned copy) she said: “*Die Munisipale Bestuurder, Advokaat Hanlie Linde, die Direkteur Gemeenskapsdienste, Mnr Dean Josephus en die hoof van Verkeer, mnr Cavin Cornelissen het die saak ondersoek en beide die twee verkeersbeamptes Pedro en Verkeersbeampte Pool het verklarings afgelê wat in die ondersoek gebruik is saam met die dagboekinskrywings van Beampte Pool...*” You have to agree that it

is not the mere contact of Mr D Josephus to obtain information to enable her to reply to the newspaper.

13. We reiterate that the equivocation of your letter creates an irreconcilable dilemma for yourself based on the intentions and procedures as you have advised. As the legal representative of the Bergrivier Municipality, you are kindly requested to make available to us at least the statements and diary entries as alluded to as well as the deliberations and findings of the “panel”. The Municipality made the information available to the media and will not hesitate to make the detail available to us.

14. We find the fact that you copied the Municipal Manager into your e-mail to us peculiar indeed and must mention that the content of your paragraph 7, is unfortunately silent on the question if you had already consulted with the Municipal Manager. You do mention that you had not met with her “for this reason” but we need clarity if you have met and/or consulted with her even if then only regarding your appointment.

15. Concerning the re-investigation, we confirm representing our clients in this regard. As you know they have all been summoned to appear in court as accused persons. We will consult and advise our clients to assist as far as possible in any fair re-investigation.

16. It is apposite to request you to consider that some of our clients are not persons with copious financial means and when any arrangements are planned through our office, that you kindly consider appropriate and convenient arrangements that would not detract from their livelihood.

17. We await the consideration of our request for the information requested from the Municipality.

Yours sincerely,



GERRIE NEL

HEAD: PRIVATE PROSECUTION UNIT

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