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The Honourable Deputy Chief Justice Zondo
Chairman of the Judicial Commission of Inquiry into Allegations
of State Capture, Corruption and Fraud in the Public Sector
including Organs of State ("the Commission")

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Your reference

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Date

D Milo / L Pillay / K Mavuso
3029081

17 February 2020

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Dear Deputy Chief Justice

Notice in terms of Rule 3.3

1. We act for MultiChoice Group Ltd and their Mr Calvo Mawela, Ms Clarissa Mack and Mr Imtiaz Patel ("our clients").
2. We refer to the Rule 3.3 notices served on our clients on 4 February 2020 ("the Rule 3.3 notices"). The Rule 3.3 notices inform our clients that Mr Yunus Carrim ("Mr Carrim") will be giving evidence to the Commission, as part of the evidence to be presented in relation to the SABC commencing on 24 February 2020, which may implicate our clients in unlawful or improper conduct concerning digital migration, the allegedly irregular agreement amongst our clients and the SABC and the Set Top Boxes control system.
3. Our clients have noted that Ms Lulama Mokhobo and Mr Roy Kruger made allegations of unlawful or improper conduct against our clients in relation to the same issues during their testimony before the Commission in November 2019. Our clients did not receive Rule 3.3 notices in respect of these witnesses and were accordingly not given prior notice that the

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CPM

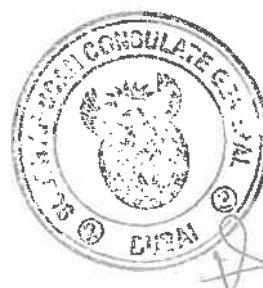
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testimony of these witnesses may implicate them. Our clients were not furnished with copies of Ms Mokhobo or Mr Kruger's statements, nor were they provided with an opportunity to attend the hearings on the relevant days or respond to the allegations before these witnesses testified before the Commission.

4. Our clients deny the allegations of improper conduct made by Mr Carrim, Ms Mokhobo and Mr Kruger, and intend to exercise their entitlement to answer the allegations by providing the Commission with a consolidated affidavit responding to the evidence of all three witnesses.
5. The Rule 3.3 notices provide our clients with a two-week period in which to furnish the Commission with our clients' response to Mr Carrim's evidence and exercise their rights under rules 3.3.6 of the Commission's rules.
6. Our clients' consolidated affidavit will, however, need to address the evidence of Mr Carrim, Ms Mokhobo and Mr Kruger. Our clients must fully consider the affidavits and transcripts of all three witnesses. The evidence is extensive - Mr Carrim's affidavit runs to 80 pages without annexures; Mr Kruger's transcribed testimony is 75 pages.
7. More importantly, the evidence covers technical and complex matters. It spans many years and involves numerous policy changes and various court cases related to digital migration. In order to properly respond to the allegations, our clients will need to consult with a number of people with the necessary technical expertise and personal knowledge of events that took place several years ago. Some of these people are based outside of South Africa.
8. Our clients have instructed us that in the circumstances they will require additional time to prepare the consolidated affidavit and exercise their rights under rule 3.3.6 of the Commission's rules. Our clients anticipate that they will be in a position to provide the Commission with their response to the evidence of Mr Carrim, Ms Mokhobo and Mr Kruger by the end of March 2020. We apologise for the inconvenience and trust that this will be in order.
9. We do not suggest that Mr Carrim's oral testimony before the Commission be delayed during this period and pending the exercise of our clients' rights. Our clients would welcome the presentation of Mr Carrim's evidence on 24 February 2020 as it would expedite matters by enabling our clients to respond to both his written and oral evidence in the consolidated affidavit.
10. Lastly, our clients request copies of the statements of Ms Mokhobo and Mr Kruger as these statements are not currently available on the Commission's website. We also request that, once Mr Carrim's evidence has been completed, we are provided with full copies of his affidavit.
11. All our clients' rights remain reserved.



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Yours faithfully

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