

**WEBBER WENTZEL**in alliance with > **Linklaters**

**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")

**Advocate André Lamprecht**  
**Ms Shannon van Vuuren**  
**Mr Warren Redcliffe**

90 Rivonia Road, Sandton  
Johannesburg, 2196  
PO Box 61771, Marshalltown  
Johannesburg, 2107, South Africa

Docex 26 Johannesburg

T +27 11 530 5000  
F +27 11 530 5111

www.webberwentzel.com

Hillside House  
17 Empire Road  
Parktown  
Johannesburg  
2193

By email: [ShannonV@commissionsc.org.za](mailto:ShannonV@commissionsc.org.za);  
[AndreL@commissionsc.org.za](mailto:AndreL@commissionsc.org.za);  
[WarrenR@commissionsc.org.za](mailto:WarrenR@commissionsc.org.za);  
[submissions@sastatecapture.org.za](mailto:submissions@sastatecapture.org.za);  
[secretary@commissionsc.org.za](mailto:secretary@commissionsc.org.za)

Your reference

Our reference

Date

D Milo / L Pillay / K Mavuso  
3029081

10 April 2020

**CONFIDENTIALITY NOTE:** This letter contains confidential information intended only for the person/s to whom it is addressed. Any other recipient is not entitled to read the rest of this letter or disclose its contents to any person, or take copies, and is requested to notify us immediately by fax, e-mail or telephone at the numbers listed above and we will reimburse the costs of doing so.

Dear Deputy Chief Justice

**Notice in terms of Rule 3.3**

1. As you are aware, we act for MultiChoice Group Ltd and their Mr Calvo Mawela, Ms Clarissa Mack and Mr Imtiaz Patel ("our clients").
2. We refer to our letter of 28 February 2020 in which we requested various documents and information ("the requested documents") as well as our follow-up letter of 3 April 2020.
3. On 3 April 2020, after we followed up on the requested documents, we received the following documents under cover of a letter from the Commission ("the 3 April 2020 letter"):
  - 3.1 the supplementary affidavit of Mr Yunus Carrim; and

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VM Movshovich RA Nelson G Niven ZN Ntshona M Nxumalo AN Nyatumba L Odendaal GJP Olivier N Palge M Parry AS Parry S Patel  
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LJ Swaine Z Swanepoel A Thakor TK Thekiso PZ Vanda PP van der Merwe SE van der Meulen CS Vanmarle JE Veeran B Versfeld MG Versfeld  
TA Versfeld DM Visagie EME Warrington J Watson AWR Westwood RH Wilson M Yudaken **Chief Operating Officer: SA Bdyd**



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- 3.2 the affidavit of Ms Theresa Geldenhuys, together with its annexes C, D, E and G (the remaining annexes were omitted);
4. On 6 April 2020, we received the affidavit of Ms Lindiwe Vuyelwa Bayi under cover of a further letter ("**the 6 April 2020 letter**").
5. We note that the following requested documents remain outstanding:
- 5.1 the affidavit of Mr Krish Naidoo;
- 5.2 the omitted annexes from Ms Geldenhuys' affidavit (constituting the vast majority of the annexes);
- 5.3 the affidavit of Prof Cecil Petros Lawrence (in the 6 April 2020 letter, the Commission stated that "*The affidavit of Professor Lowrens cannot be furnished to you because he has not testified. He does not implicate your client*");
- 5.4 the affidavit of Mr Tiaan Olivier (in the 6 April 2020 letter, we were informed that "*In so far as Mr Olivier's statement is concerned it was received recently and because he has not testified it cannot be made available to you. As soon as Mr Olivier's statement has been processed within the Commission it will be submitted to the legal team for consideration. If he implicates your client the necessary 3.3 Notice will be sent to you*");
- 5.5 the audio recording of the meeting held on 6 June 2013 between the interim board of the SABC and our clients ("**the audio recording**"). Both the 3 and 6 April 2020 letters state that the audio recording can only be accessed and provided to us after the national lockdown terminates, which we agree with.
6. The 3 April 2020 letter states that even though Ms Geldenhuys has not yet testified, her affidavit is being made available to our clients. We note that her affidavit does not implicate our clients. In your 6 April 2020 letter, however, you state that the affidavits of Prof Lawrence and Mr Olivier cannot be provided to our clients as Prof Lawrence and Mr Olivier have not yet testified. The further reason is that Prof Lawrence's affidavit does not implicate our clients and you do not yet know whether Mr Olivier's affidavit does. Please let us know whether Mr Naidoo's affidavit implicates our clients.
7. While we believe it would have been preferable for the Commission to have followed the same approach as was taken to Ms Geldenhuys' affidavit and some of its annexes, our clients do not wish to delay the filing of their consolidated response. Upon receipt of the audio recording, our client will thus finalise their response, which is in an advanced stage of preparation. Our clients reserve their rights, including the right to supplement their response in due course should this be necessary.
8. In relation to the audio recording of the minutes of the meeting of 6 June 2013 between the SABC and MultiChoice, our clients believe that it is necessary for them to have access to this and consider the audio recording before they are able to finalise their consolidated response. We propose that we make arrangements to collect a copy of the audio



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recording the day that the lockdown is lifted. We will thereafter expeditiously finalise our clients' consolidated response and deliver it to the Commission.

9. Our clients also intend to submit various hard drives and voluminous documentation as part of their response, which cannot be transmitted to the Commission electronically and must be physically delivered. The deponent to the main affidavit and one of the deponents to the confirmatory affidavits are also currently overseas in lockdown conditions. We accordingly confirm that our clients' response will be delivered as soon as possible after lockdown is lifted.
10. All our clients' rights remain reserved.

Yours faithfully

**WEBBER WENTZEL**

Dario Milo

Partner

Direct tel: +27 11 530 5232

Direct fax: +27 11 530 6232

Email: [dario.milo@webberwentzel.com](mailto:dario.milo@webberwentzel.com)*Letter sent electronically**CPM*