



# Office of the State Attorney Pretoria

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**19 October 2017**

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Enquires: Mr R.J. Sebelemetsa  
Email: [rsebelemetsa@justice.gov.za](mailto:rsebelemetsa@justice.gov.za)

My Ref: 7607/2017/Z64  
Your Ref:

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**Advocate N. Vanara**

Acting Registrar of Member's Interest  
P.O. Box 15  
Cape Town  
8000

Tel: Tel: 27 (21) 403 8101  
Fax: 27 (21) 403 3888  
Email: [nvanara@parliament.gov.za](mailto:nvanara@parliament.gov.za)

Dear Advocate N Vanara

**CONCERNS OVER YOUR CONDUCT OF THE PARLIAMENTARY ENQUIRY/ FAILURE  
ON YOUR PART TO RESPECT OUR CLIENT'S PROCEDURAL RIGHTS AND THE  
CONSTITUTION THEREBY VIOLATING THE ADVOCACY ETHICS ON CONDUCT OF  
PROCEEDINGS**

We act for the Department of Public Enterprises that has instructed us that during 8 August 2017 and 13 October 2017, two letters were written to the Chairperson of the Portfolio Committee on Public Enterprises and the Speaker of Parliament addressing a request to accord our Client and State Owned Companies under its purview procedural rights including responding to questions sought in relation to the conduct of the Parliamentary Enquiry.

Yourself being an admitted Advocate of the High Court of South Africa certainly knows and appreciates the ramifications of such requests in as far as our client's rights to fair administrative procedures and lawful hearing is concerned.

We place it on record once again that such letters were not responded to. You were expected to have advised the Chairperson of the Portfolio Committee on Public Enterprises and the Speaker of Parliament regarding a proper response to such letters. This is so as your duty as the Evidence Leader but in particular as an Admitted Advocate of the High Court reasonably expects you to have acted accordingly in line with respecting our Client's fundamental rights to fair administrative process and procedures.

We are also concerned by the manner and style in which you conduct the leading of evidence. This concern stems from the fact that as early as 8<sup>th</sup> August before the Portfolio Committee Hearing started, our Client made enquiries about the conduct of the Hearings regarding the status of the Terms of reference.

As an Admitted Advocate, you are expected to reasonably know and appreciate the importance of the Terms of Reference which are intended to achieve fairness including guiding the Parliamentary Enquiry to conduct a systematic hearing intended to meet all the requirements of a fair procedurally administrative hearing.

We are advised that the hearings are on their second day and the goal and objective of having a fair and procedurally administrative hearing is not being achieved. This is so as the goal of assisting the Parliamentary Enquiry Hearings not to lower the standards of fairness is being defeated by the conduct of not responding to our Client's request for information enclosed in the above said letters.

We hereby request you to encourage and/or uphold the standard of fairness as envisaged by the Constitution. In our considered view, this will be achieved by leading evidence in such a manner that assists and benefit all parties before the hearing and not only the Portfolio Committee's interests and objectives. On this basis, we are instructed that the conduct of the hearings falls short of meeting the advocacy's professional ethics and standards on the conduct of proceedings. This violates the Constitution and the Rules of the professional ethics of the advocacy profession.

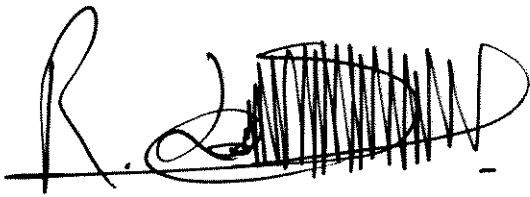
We request you to desist from failing to uphold the Constitution and the professional ethics relating to the fair conduct of its Parliamentary Hearing.

From the foregoing, we request you to speedily advise us why we should not report you to the General Council of the Bar of South Africa in as far as your conduct as an Advocate is concerned. We request a response from you

before resumption of the hearing on Friday, 20 October 2017. We also request an urgent meeting with yourself before the resumption of the hearing on Friday, 20 October 2017.

We await your urgent response.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R J Sebelemetsa', written over a horizontal line.

**R J SEBELEMETSA  
FOR THE STATE ATTORNEY (PRETORIA)**