

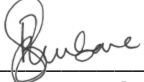
Dear Chairperson

NON PAYMENT OF LEGAL FEES (AUGUST AND SEPTEMBER 2022)

1. Thank you for your letter dated 10 February 2023 in response to mine dated 9 February 2023
2. I write this follow up letter to confirm that on Saturday 11 February 2023 my counsel team was eventually paid approximately 70% of the fees owed to them by PPSA.
3. This was only done after the aforesaid second letter to you in which I indicated the non-availability of my legal team until such time as all outstanding payments were made to their satisfaction.
4. The now outstanding 30% balance is apparently made up of, firstly, the items which are the subject of baseless disputes raised by PPSA and secondly, a remainder whose non-payment has simply not been explained.
5. .If, as I suspect, the real reason for the failure to pay in full is the temporary unavailability of funds, then PPSA must come clean and say so instead of falsely seeking to apportion blame to my legal team.
6. Accordingly the impasse of non-payment remains unresolved and I am therefore still unable to instruct my team to continue as they have made it clear that they will only do so upon payment of the outstanding fees or the negotiation and conclusion of suitable arrangements.
7. To date PPSA has failed and/or refused to meet with my team despite earlier unmet promises to do so.
8. In addition and in any event as at the time of the emergence of the current stalemate, my legal team has not been able to reach Ms Mvuyana in order to prepare her statement due to her failure to return the numerous telephonic and WhatsApp messages sent to her by Adv Matlhape. The Secretariat informed us that she was not well during that period.

9. Once the financial issues have been resolved we will therefore require a reasonable opportunity to consult with her in preparation of her appearance.
10. For now I only want to inform you that I remain unable to participate in the enquiry meaningfully until the issues raised in this and my previous letter have been properly attended to.
11. Finally and on a more positive note, I have been informed that my legal team has once again requested an urgent meeting with PPSA in an effort to resolve all outstanding issues and to obviate any repeat of the same crisis as the present one going forward. (for October to December invoices and more) I will certainly keep you posted of any developments in that regard.
12. I will be physically available at the enquiry today, 13 February 2023 in order to give any further clarity which may be needed and to seek the guidance of the Chairperson.

Yours faithfully



Adv Busisiwe Mkhwebane
Public Protector of South Africa
DATE: 13 FEBRAURY 2023