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Your Ref: Mr. Dyantyi
Our Ref: TNS/PUB1/0028

28 February 2023

Mr QR Dyantyi MP

Chairperson: Committee of the Section 194 Enquiry
Parliament Building
Parliament Street
Cape Town

Per Email: tngoma@parliament.gov.za

Dear Mr Dyantyi,

RE: VARIOUS ISSUES: -

- A. EVIDENCE OF PROFESSOR MADONSELA;
- B. EVIDENCE OF MR. RODNEY MATABOGE;
- C. CALLING OF FURTHER WITNESSES;
- D. FINAL APPEAL FOR RECONSIDERATION OF THE REASONS NOT TO SUMMON MINISTER GORDHAN, MR CYRIL RAMAPHOSA AND MS MAZZONE;
- E. THE REFUSAL TO RECALL MESSRS. PILLAY, VAN LOGGERENBERG AND MS BALOYI; and
- F. THE MUTING OF LEGAL REPRESENTATIVES.

A: Evidence of Prof. Madonsela

1. We are instructed to raise the aforementioned issues for decision by the committee.
2. The deadlines for the submission of Prof. Madonsela's affidavit was 22 February 2023. We communicated this fact to her when she insisted on preparing her own statement either with the evidence leaders or "independently" but not with the legal team of the Public Protector. The Chairperson unilaterally and without any consultation with us granted an extension until Friday, 24 February 2023. That deadline too was not met in that the statement was only delivered on Saturday, 25 February 2023 when members of our team were busy preparing to travel to Cape Town and with preparations for the evidence of Ms Mvuyana which had been interposed for 27 and 28 February 2023. Upon proper reflection and after consideration of the statement which is not only late but also unintelligible in parts, it has become clear that we would be doing our client a huge disservice if we were to proceed with dealing with the evidence of Professor Madonsela on schedule (March 2023 in spite of the above).
3. Accordingly, we have firm instructions to reschedule the evidence of Professor Madonsela to a later mutually convenient day and without breaching the seven-day rule.

B: The evidence of Mr Mataboge

4. We propose that the cross examination of Mr Mataboge which was deferred at the request of the Public Protector and in terms of clause 3.6.3 of the Directives may be heard over two days at any time from 01 March 2023 and /or Thursday 2 March 2023 onwards.

C: Calling of further witnesses

5. The necessity to call the following further witnesses has been identified:
 - a. Mr Maimane (CR 17/BOSASA);
 - b. Adv Sello Maema (a request for authorization from the NDPP is imminent); and
 - c. Mr David Linda (SARS Unit).

6. These witnesses have been rendered necessary due to recent evidence led at the inquiry.

D: Appeal for reconsideration of non-calling of various witnesses:

7. We are aware that a number of appeals have been rejected by the Committee. That fact notwithstanding, we are instructed once more, and in light of recent evidence which puts a new perspective on the issue, to request that the committee should revisit its decision not to summon the following material witnesses: -
 - a. Mr Cyril Ramaphosa;
 - b. Mr Pravin Gordhan; and
 - c. Ms Natasha Mazzone.
8. The relevance in areas of interest in respect of each of these witnesses has previously been communicated.
9. Failure to call these witnesses must be accompanied by reasons, if any exist.

E: Refusal to recall various witnesses

10. We similarly request the recall of Messrs. Pillay, Van Loggerenberg and Ms Baloyi, who have not completed their appearances and have outstanding cross examination to deal with.
11. Failure to recall these witnesses must also be accompanied by reasons, if any.
12. Kindly favour us with an urgent response to the request/demands made above.

F: Repeated muting of legal representatives

13. Lastly, we are instructed to place the strongest possible objection to the recent tendency of the Chairperson to deny the Public Protector her rights to full legal representation and fairness by muting the legal representative(s) from the electronic platform at any stage but more recently on 23 February 2023. It is unknown what the reason was for such conduct. More importantly there is no legal basis upon which the

Chairperson is entitled to conduct himself in such an objectionable manner which is calculated to exclude the Public Protector from participation in the Enquiry.

14. We are accordingly instructed to demand the reasons for such conduct as well as being informed of the purported legal basis therefore. We also demand an unconditional apology from the Chairperson.
15. Failure to do as demanded may result in the taking of legal action by the Public Protector without any further notice to you.
16. We look forward to your urgent response to the issues raised above.

Yours faithfully



SEANEGO ATTORNEYS INC.