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**MBA** MOTSOENENG  
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**Your Ref:** To be provided

**Attention:** Chairperson Qubudile Dyantyi;  
Committee Secretary Thembinkosi Ngoma;  
Executive Secretary, Khaya Vellem

**Company:** Committee for Section 194 Enquiry

**Date:** 20 August 2023

Dear Chairperson Dyantyi,

**RE: LEGAL REPRESENTATION FOR THE PUBLIC PROTECTOR IN THE SECTION  
194 ENQUIRY**

1. The above matter bears reference.
2. We write this letter to formally introduce our firm, Motsoeneng Bill Attorneys Incorporated, as the newly and duly appointed firm of attorneys to represent the Public Protector of South Africa, Advocate Busisiwe Mkhwebane (“**our client**”) in the section 194 enquiry and to make certain proposals regarding the way forward.
3. As you are aware, our predecessors HM Chaane Attorneys, formally withdrew by means of a letter addressed, *inter alia*, to you dated 3 August 2023 citing certain reasons specified therein. As a result of prompt action on the part of our client and PPSA/State Attorney, we were appointed on 17 August 2023. A copy of the appointment letter is annexed hereto as annexure “**MBA1**” for your ease of reference.
4. In a nutshell, that means that our client has been without any legal representation of her choice, to which she is legally entitled, for the entire 13 days between 4 August 2023 and our appointment on 17 August 2023.

**Partners:** Michael Motsoeneng Bill LLB (UJ) | Irshaad Savant BA, LLB (Wits)  
**Associate Partners:** Thokwadi Seabela BCom, LLB (UJ) | Aristidis Perivolaris BCom (UJ) LLB (UNISA)  
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Tshepo Makomene LLB, BA, BA Hons (Wits)  
**Designate Attorney:** Refuochape Mphosi BCom, LLB (Wits)  
**Candidate Attorneys:** Evanah Katsande BA, LLB (UP) | Siyanda Nkosi LLB (UP) | Lesego Makhwenkwe LLB (UNISA) | Tshidiso Thoka LLB (UL)  
**Consultants:** Mmadika Moloi BA, LLB (Wits) | Samantha Levinsohn BA Hons, LLB (SU)

Registration No.: 2008/021175/21

5. Unfortunately, and unlawfully, the enquiry proceeded and took a few important steps during that very same period, including but not limited to the purported adoption of a draft report and the nomination of a deadline for her response thereto. It was clearly impossible for her to respond at a time when she was not legally represented. That deadline can therefore not be enforceable.
6. Since our appointment and mindful of the urgency of the matter, we have taken steps to set up our first appointment with our client which is scheduled to take place within the next 72 hours and by no later than Wednesday, 23 August 2023. Thereafter we intend to brief and consult with counsel so as to enlist their assistance in getting to grips with the issues as soon as possible. Simultaneously, we will be making contact with the Evidence Leaders and HM Chaane Attorneys to request the record and/or any other relevant information or correspondence exchanged since their own appointment. You will be given a weekly report on progress and any issues of concern as and when they may arise.
7. Once Counsel is on brief, it is also our intention to ask them to draft a *status quo* memorandum and advice, subject to the permission of PPSA and/or the State Attorney. We understand that to have been an already agreed *modus operandi*.
8. Our estimate is that we should be able to participate meaningfully in the process once all the above matters have been attended to in the next couple of weeks or so, depending on the nature and extent of the record and instructions arising.
9. For the time being, we only request that we be granted the space to render our professional services as effectively and quickly as possible by suspending or postponing all the activities of the Committee until such time that the legal team will be in a position to render the necessary legal representation within a reasonable period of time.
10. Obviously, the 21 August '23 deadline for responses by the Public Protector, which can only materialize after legal advice, must fall away, even assuming that is the next step in the process, which is possible to say at this stage.

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11. We look forward to your urgent response. You are of course free to seek any further clarification of the above. In the meantime, all our client's rights are reserved.

Yours faithfully,

**MOTSOENENG BILL ATTORNEYS INCORPORATED**

*(sent electronically and therefore unsigned)*

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