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7 November 2017

Our ref.: NB/P/144/WDK
Your ref.: RGM Kgoroadira

Kgoroadira Mudau Inc
ROSEBANK
Per email: rapulane@kgoroadiramudauinc.co.za

Dear Sirs

STATE SECURITY AGENCY // NB PUBLISHERS & JACQUES PAUW

1. Thank you for your letter dated 7 November 2017. We welcome your client's apparent concession that an urgent interdict would be inappropriate in this matter.
2. Regarding the "other legal routes" the State Security Agency intends taking against our clients, we note that you have failed to disclose, in either of your letters, what these legal routes may entail. At best you refer to a "violation of intelligence statutes" without specifying which conduct, in the view of Agency, has violated which provision of which statute.
3. In the result our clients do not know what they stand accused of by the SSA and what the basis may be of the "legal route" the Agency has "already taken", as advised in your letter of 6 November.
4. We remind you that the security services of the Republic of South Africa, of which the SSA is a part, is constitutionally obliged to carry out their duties in accordance with the Constitution and the law. Should the secrecy which the Agency seems to have adopted in respect of the recourse it intends taking against our clients be aimed at advancing any agenda inconsistent with Constitutional values, our clients will seek appropriate recourse.
5. Insofar the Agency may intend seeking a subpoena in terms of section 205 of the Criminal Procedure Act 51 of 1977 against any of our clients, we draw your attention to the Record of Understanding which was entered into between the Ministers of Justice and Safety and Security; the National Director of Public Prosecutions ("NDPP"); and the South African National Editors Forum ("Sanef") dated February of 1999.
6. In terms of that Memorandum, a copy of which is attached, our clients are to be afforded an opportunity to make representations to the NDPP before any

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subpoena is issued to them. Kindly let us have your urgent assurances that the terms of the Memorandum would be respected.

7. In the interim our clients' rights are strictly reserved.

Yours faithfully

WILLEM DE KLERK ATTORNEYS

*This letter is sent electronically and therefore unsigned.
A signed copy will be provided upon request.*

cc. National Director of Public Prosecutions
per email: communication@npa.gov.za