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EXHIBIT

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IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION - PRETORIA)

2016 - 10 - 25
PRETORIA
OFFICE OF THE DEPUTY JUDGE PRESIDENT

Case No: 79808/16

In the application for intervention by:

MABEL PATRONELLA ("VYTJIE") MENTOR

Intervening Party

In the matter between:

PRESIDENT OF THE REPUBLIC
OF SOUTH AFRICA

and

Applicant

THE OFFICE OF THE PUBLIC PROTECTOR

First Respondent

THE PUBLIC PROTECTOR

Second Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the Ms Mabel Patronella ("Vytjie") Mentor intends to bring an application to the above Honourable Court, on 1 NOVEMBER 2016 at 10h00 or as soon thereafter as counsel may be heard for an order in the following terms:

1. Granting Ms Mentor leave to intervene as a respondent in this application.

2. Dismissing the President's application.

3. Directing the President to pay the costs of the application.

4. Further and/or alternative relief.

TAKE NOTICE FURTHER that the affidavit of MS MABEL PATRONIELA ("VYTJE") MENTOR and its attachments will be used in support of the relief sought in this application.

TAKE NOTICE FURTHER that the applicant has appointed the offices of its attorneys of record, WEBBER WENTZEL, at the address below as the address at which it will accept service of all process in these proceedings.

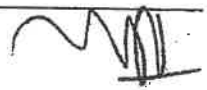
TAKE NOTICE FURTHER that the applicant consents to service of all affidavits, notice and processes by email to the address specified below.

TAKE NOTICE FURTHER that if you intend opposing this application you are required to –

1. Notify the applicant's attorney in writing of your intention to do so on or before 26 October 2016;

2. In such notification, appoint an address at which you will accept notice and service of all documents in these proceedings; and

WEBBER WENTZEL
 Ms Mentor's Attorneys
 90 Rivonia Road
 Sandton
 Johannesburg, 2196
 PO Box 61771, Marshalltown
 Johannesburg, 2107, South Africa
 Tel: 011 530 5526/ 5539
 Fax: 011 530 / 6526/ 6539
 Email:
 tshego.phala@webberwentzel.com
 Ref: M Hathorn/T Phala / 3013932
C/O SAVAGE JOOSTE & ADAMS
ATTORNEYS
 141 Boshoff Street
 Nieuw Muckleneuk
 Pretoria, 0181
 Tel: 012 452 8200
 Fax: 012 452 8201
 e-mail: stephenl@savage.co.za
 Ref: S Leimberger



Signed and dated at JOHANNESBURG this 25th day of October 2016.

KINDLY PLACE THE MATTER ON THE ROLL ACCORDINGLY

TAKE NOTICE FURTHER that if no notice of intention to oppose is received, the relief sought above may be granted in your absence.

3. File your answering affidavit, if any, on or before 17h00 on 28 October 2016.

TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
FILED BY HAND

AND TO:

STATE ATTORNEY PRETORIA

Attorneys for President of the

Republic of South Africa

316 SALU Building

Corner Francis Baard and Thabo Sehume

Private Bag X91

Pretoria

REF: 7313/16/Z75/js

Email: ichowe@justice.gov.za

Tel: (012) 309 1562

Fax: 086 507 2194

KHAMPA ATTORNEYS INCORPORATED

Mr Van Rooyen's Attorneys

c/o TM Chauke Attorneys Incorporated

2nd Floor, East Wing,

Sammy Marks Square

314 Church Street

Pretoria

Tel: 011 234 1735

Fax: 086 500 0945

Ref: Cogta/A Khampsha

Email: azwi@khampsha.co.za

ADAMS AND ADAMS

Attorneys for the Public Protector

Lynwood Bridge Office Park

4 Davenport Road

Lynwood Manor

Pretoria

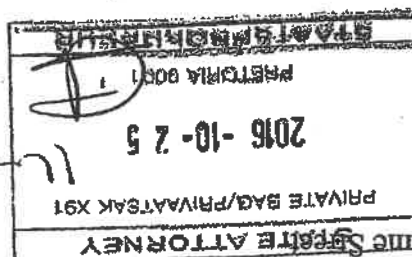
Tel: (012) 432 6000

Fax: (012) 432 6599

Email: andrew.molver@adamsadams.com

Ref: ANM/gkd/LT3340

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IAN LEVITT ATTORNEYS

Attorneys for the first intervening party
19th Floor, Sandton City Office Towers

Sandton City

West Street

Sandton

Tel: 011 784 3310/082 445 1586

c/o Friedland Hard Solomon Nicolson

79 Steenbok Avenue

Pretoria

0180

Tel: 012 424 0200

MABUZA ATTORNEYS

Attorneys for the second and third intervening parties

c/o Nkomo Inc Attorneys

Suite 204

Hatfield Forum East

107 Arcadia Street

Hatfield

Tel: 012 342 6009

Fax: 012 343 2454

MINDE SHAPIRO SMITH INC.

Attorneys for the fourth intervening party

Tyger Valley Office Park

Building Number 2

Cnr Willie van Schoor & Old Oak Roads

Belville

Ref: DEM16/0300 Jonker/sw

c/o Klagsbrun Edelstein Bosman De Vries Inc

220 Lange Street

Nieuw Muckleneuk

Pretoria

Tel: 012 452 8900

Fax: 012 452 8901

Email: venashan@kebd.co.za

(ref: Hugo Stuwig/VS/HS000055)

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Case No: 79808/16

In the application for intervention by:

MABEL PATRONELLA MENTOR

Intervening Party

In the matter between:

PRESIDENT OF THE REPUBLIC
OF SOUTH AFRICA

Applicant

and

THE OFFICE OF THE PUBLIC PROTECTOR

First Respondent

THE PUBLIC PROTECTOR

Second Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

MABEL PATRONELLA ("VYTJIE") MENTOR

do hereby make oath and state as follows:

1. I am an adult female residing in Cape Town. For security reasons, I prefer not to give my full residential address.

2. I was formerly a Member of Parliament for the African National Congress ("ANC"). I held the position of Chairperson of the Portfolio Committee on Public Enterprises.

3. The facts in this affidavit are within my personal knowledge except where the contrary is expressly stated or clear from the context. To the best of my knowledge, they are true and correct.

4. Where I make legal submissions, I do so on the advice of my legal representatives, which advice I believe to be correct.

5. The purpose of this affidavit is to seek leave to intervene as a party in these proceedings under rule 12 of this Court's rules.

6. In what follows, I address the following in turn:

6.1 The facts;

6.2 My application to intervene;

6.3 The manner in which section 7(9)(ii) of the Public Protector Act 23 of 1994 ("the Act") is to be interpreted;

6.4 The Public Protector is *functus officio* in relation to the report and the

relief which the President is seeking is consequently moot;

6.5 The President's failure to demonstrate any real risk of prejudice;

6.6 The requirements for an interdict have not been met; and

6.7 Conclusion.

THE FACTS

7. I have been a member of the African National Congress since the 1980s. In 2002, I was elected as a member of parliament. In 2004, I was elected as Chairperson of the Portfolio Committee on Public Enterprises.

8. In or around 2010, I received a telephone call from a woman (I do not know her name) inviting me to a meeting, ostensibly with the President at the Union Buildings. I boarded a flight from Cape Town to Johannesburg to attend this meeting.

9. When I arrived at OR Tambo International Airport, Mr Gupta met me. I was surprised and had never met Mr Gupta before. Mr Gupta informed me that the President was unavailable.

10. Mr Gupta took me unknowingly to the Gupta's Sahara office where he introduced me to the senior Gupta brother. When I left the Sahara office, I was still under the impression that I was being taken to Pretoria in order to meet with the President. However, I was taken to the Gupta's residence in Saxonwold, where I was introduced to the other brothers. Within fifteen minutes of my arrival at their home, members of the

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Gupta family had already offered me the position of Minister of Public Enterprises.

11. There was a condition attached to their offer: upon my appointment as Minister of Public Enterprises, I was required to cancel South African Airways' ("SAA") routes to India. This route would be taken over by an airline in which the Gupta family had shares.

12. My impression was that the members of the Gupta family whom I met had knowledge of the fact that cabinet positions were to be reshuffled. They were after all brazen enough to offer me the position of Minister of Public Enterprises.

13. I declined the offer and told the Gupta representatives that they lacked the authority to make such an offer. As I was leaving, the President entered the room. I recounted the offer and advised him that I could not, in good conscience, accept the offer. The President responded and said "It's okay mombazana, you have come such a long way in crutches" and saw me out.

14. Approximately one week later and to my surprise, the President shuffled his cabinet. As part of this reshuffle, he replaced Ms Hogan with Mr Gigaba as Minister of Public Enterprises.

15. On 13 March 2016, Mr Mcebisi Jonas released a statement detailing his encounters with the Gupta family and the President. According to this statement, members of the Gupta family offered Mr Jonas the position of Minister of Finance prior to the removal of the erstwhile Minister of Finance, Mr Nhlamhla Nene. A copy of Mr Jonas's statement is attached

and marked "MPM1".

16. Also in March 2016, Mr Johan Abrie, a DA member of Parliament, an acquaintance and "Facebook friend" of mine, posted a picture on Facebook in which the face of a Gupta family member had been superimposed onto a Government emblem. I responded and in effect stated that they offered me the position of Minister of Public Enterprises when Barbara Hogan got the "chop" provided that I would drop the SAA flight route to India and give it to them. A copy of the picture that Mr Abrie posted and a newspaper article that quoted my post in response are attached and marked "MPM2" and "MPM3" respectively.

17. After this post, journalists began to approach me for comments. I made statements to a number of journalists regarding the circumstances in which members of the Gupta family offered me a ministerial post. As a result, a number of articles were subsequently published in this regard.

18. Shortly afterwards, I went and laid a charge against the President with the South African Police Service who transferred me to the Hawks. As far as I am aware, the Hawks do not seem to be actively investigating the matter and there does not seem to have been any progress in this regard.

19. The Democratic Alliance, the Economic Freedom Fighters and other organisations subsequently requested the Public Protector to open an investigation into my allegations and those of Mr Jonas. In effect, the Public Protector was asked to investigate whether the President allowed members of the Gupta family to influence and play a role in appointing cabinet ministers in exchange for executive decisions favourable to the business interests of the Gupta family.

20. The Public Protector proceeded to initiate such an investigation. The relevant correspondence in this regard is set out in other parties' affidavits and I will therefore not repeat it here.

21. In or around August 2016, the Public Protector interviewed me as part of her investigation into the issue of "state capture" by the Gupta family. This is hardly surprising in view of the fact that my disclosures were partly the basis on which the DA and others requested the Public Protector to investigate this issue.

22. In addition, as far as I am aware, I am the only person to have knowledge (and to have made a public statement to the effect) that this happened with the President's knowledge and approval. I co-operated willingly with the Public Protector.

23. In October 2016, it was reported in the media that the President was requesting a list of witnesses from the Public Protector. I viewed this as an attempt by the President to intimidate those persons who had given evidence to the Public Protector against him. In order to show that I was not going to be intimidated and to stand up to what I viewed as attempts to intimidate me and others who had provided information to the Public Protector.

24. I consequently posted the following on Facebook (retrieved from a twitter account) (a screenshot of the post is attached and marked "MPM4"):

"Dear Zuma. I spoke to the PP. I revealed things about You and your folly relationship with the Guptas through your son. I can go one-on-one with you on a publicly televised hearing only AFTER the PP

releases her Report, with or without you having responded to the questions she posed to you six months ago. I am NOT scared of you, of your lies, of your tricks, your delaying tactics, your attempted intimidation, your harassment, and what you normally do to people. You are a coward that hides behind State power all the time. Where ever have you heard a person that is being investigated by the PP making the silly demands you are making? Power has really ran to your head. I feel sorry for you"

25. Two days later, my Facebook account was hacked. It was also blocked. This had happened previously subsequent to my disclosure made in March 2016. I found it more than mere coincidence that my account was blocked after making the disclosures referred to above. I still suspect that my account was hacked because I posted adverse and damaging information about the President and his relationship with the Gupta family.

26. I made the disclosures set out above and co-operated willingly with the Public Protector because I believe that the issue of "state capture" is the single greatest threat to our constitutional democracy since the end of apartheid. Based on the manner in which she had carried out her mandate, I believed that the only organisation that would carry out such an investigation properly is the Public Protector.

MY APPLICATION TO INTERVENE

27. Rule 12 of this Court's rules provides as follows:

"Any person entitled to join as a plaintiff or liable to be joined as a defendant in any action may, on notice to all parties, at any stage of the proceedings apply for leave to intervene as a plaintiff or a defendant. The court may upon such application make such order, including any order as to costs, and give such directions as to further procedure in the action as to it may seem meet."

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32. If the President's interpretation of section 7(9)(ii) were to be upheld, I would be subject to be cross-examined directly by him or his legal representative. I am opposing to being cross-examined directly by the President or his legal representatives. I believe that they will seek to

31.2 Under section 7(9)(ii), the opportunity to question persons who have provided information to the Public Protector and to do so directly, either in person or through his legal representatives (paragraph 21 of his founding affidavit).

31.1 A further opportunity, of not less than two months, to respond to the Public Protector's questions (prayers 2 and 3 of the notice of motion, paragraphs 6 - 7 of his founding affidavit); and

31. Thus, the President is seeking the following:

30. An order directing the respondents to give the applicant a reasonable opportunity (no less than two months) to respond to the questions provided.

29. An interdict, to prohibit the Public Protector from publishing her report into complaints of improper and unethical conduct by the President and officials of state organs due to their alleged inappropriate relationship with members of the Gupta family ("the report") prior to affording the applicant a reasonable opportunity to provide meaningful input into the investigation.

28. Under prayers 2 and 3 of his notice of motion, the President is seeking the following substantive relief:

SECTION 7(9)(ii) OF THE ACT

33. I am advised and I submit that the President's interpretation of section 7(9)(ii) is incorrect. Under section 7(9)(ii), I may only be questioned through the Public Protector (as an intermediary) and thus not directly by the President or his legal representatives.
34. Thus, my rights stand to be affected by the relief that the President is seeking. I consequently have a direct and substantial interest in such.
35. In addition, I also have a direct and substantial interest in the relief sought by the President because, as set out above, I had the courage of my convictions and put myself on the line by disclosing the fact that I was approached by members of the Gupta family with offers of a cabinet position in exchange for executive favours (with the knowledge and apparent approval of the President).
36. I did so because I believe that it is essential for our constitutional democracy that this issue be disclosed and properly investigated. I co-operated with the Public Protector's investigation for the same reason. I believe that the Public Protector's report needs to be released without further delay. I therefore have a direct and substantial interest in the relief that the President is seeking on this basis too.
37. I consequently submit that the Court should grant me leave to intervene as a party.

The plain wording of section 7(9)(iii) of the Act

38. Section 7(9) of the Act provides as follows:

"(a) If it appears to the Public Protector during the course of an investigation that any person is being implicated in the matter being investigated and that such implication may be to the detriment of that person or that an adverse finding pertaining to that person may result, the Public Protector shall afford such person an opportunity to respond in connection therewith, in any manner that be expedient under the circumstances.

(b) (i) If such implication forms part of the evidence submitted to the Public Protector during an appearance in terms of the provisions of subsection (4), such person shall be afforded an opportunity to be heard in connection therewith by way of giving evidence.

(ii) Such person or his or her legal representative shall be entitled, through the Public Protector, to question other witnesses, determined by the Public Protector, who have appeared before the Public Protector in terms of this section."

39. The President interprets section 7(9)(ii) of the Act to mean the following (paragraph 21):

39.1 Once a person has been implicated in the Public Protector's investigation, such person has the right to question persons interviewed by the Public Protector ("witnesses"); and

39.2 The implicated person has the right to do so directly, either in person or through his or her legal representative.

40. This argument is, however, contrary to the plain wording of the section 7(9)(ii) of the Act, which provides that this is to occur "through the Public Protector".

41. Thus, section 7(9)(ii) of the Act does not make provision for an implicated person to question a witness directly, either in person or through his or her legal representative. Rather, it provides for such person to do so "through the Public Protector".

42. If the President's interpretation were to be accepted, it would render the words "through the Public Protector" redundant. This would be contrary to the common-law rules of statutory interpretation, which provide that no word used by the legislature should be regarded as superfluous.

43. An implicated person is only entitled to question witnesses through the Public Protector and thus with the Public Protector as an intermediary.

44. Thus, the President's interpretation of section 7(9)(ii) stands to be rejected on the plain wording of the provision.

The Constitution

45. The President's argument is also inconsistent with the Constitution. Under section 39(2) of the Constitution, when interpreting legislation, every court must "promote the spirit, purport and objects of the Bill of Rights."

46. Three obligations arise under section 39(2) of the Constitution:

46.1 Where a statutory provision is capable of two interpretations, a court must choose the interpretation that renders it consistent with the Constitution over one that does not;

46.2 Where a statutory provision is capable of two interpretations, a court must adopt the interpretation, which better gives effect to implicated rights. This applies even if neither interpretation would render the provision unconstitutional.

46.3 A statutory provision must not be interpreted to limit constitutional rights unless it does so clearly.

47. I am advised and I submit that our courts have found that corruption threatens and undermines our constitutional and democratic order. It imperils the capacity of the state to respect, protect, promote and fulfil all of the rights enshrined in the Bill of Rights as it is obligated to do under section 7(2) of the Constitution. The Public Protector plays a vital role in investigating and thus combating corruption and is not to be undermined in this regard.

48. It is evident that persons will be less willing to come forward and report corruption or other unlawful behaviour and/or co-operate with the Public Protector if they may be subject to cross-examination by the person against whom they are providing information or his or her legal representative (as opposed to having such person's questions submitted to them by the Public Protector).

49. Indeed, had I known that as a consequence of my disclosures, I would have been at risk of being cross-examined directly by the President or his or her legal representatives, I would have been far more circumspect about making the disclosures in the first place. Thus, if the President's interpretation of section 7(9)(ii) were to be adopted, it would hamper the Public Protector's ability to combat corruption.

50. Thus, if such an interpretation were to be adopted, it would render section 7(9)(ii) unconstitutional. At the very least, it is not the interpretation that better gives effect to the Bill of Rights. It also limits constitutional rights when section 7(9)(ii) does not expressly provide for such limitation. On the contrary, section 7(9)(ii)'s express provision is to the contrary - it only allows for questioning by implicated persons through the Public Protector as an intermediary.

51. The interpretation of section 7(9)(ii) for which the President contends consequently does not give effect to the Bill of Rights. His argument in this regard must therefore be rejected.

Conclusion

52. The interpretation of section 7(9)(ii) for which the President contends is consequently inconsistent with both the plain wording of the provision and the Bill of Rights. His argument in this regard must therefore be rejected.

53. Thus, in order to give effect to section 7(9)(ii), the Public Protector is only required to allow an implicated person to question witnesses *"through the Public Protector"* - thus with the Public Protector acting as an intermediary. It is common cause that the Public Protector did so in this case. She offered the President the opportunity of directing his questions to her in writing so that she could put them to the witnesses. He opted not to do so.

54. Thus, the Public Protector has evidently complied with section 7(9)(ii) of the Act. The President's arguments to the contrary must therefore be

rejected.

THE PUBLIC PROTECTOR IS FUNCTUS OFFICIO - THE RELIEF WHICH THE PRESIDENT IS SEEKING IS CONSEQUENTLY MOOT

55. In the answering affidavit filed on behalf of the Public Protector to Mr Van Rooyen's application (which has subsequently been withdrawn), Mr Fourie (Head of Legal Services at the Office of the Public Protector) stated under oath that the Public Protector's report has been finalised and signed. This answering affidavit is attached marked "MPMS". I note that the current Public Protector has confirmed this in her answering affidavit (paragraph 6.1).

56. The Act does not expressly provide the Public Protector with the power to revisit her findings once finalised. Nor is there an implied power to this effect in the Act. On the contrary, in view of the public importance and the sensitive nature of the Public Protector's reports, there is a need for finality and certainty - both in relation to persons implicated in her reports and the public interest generally. Thus, as in the case of decision-makers generally (whether judicial, administrative or executive), once the Public Protector issues a final report she is *functus officio* and cannot revisit it.

57. The relief that the applicant is seeking would consequently not have any practical effect. In essence, it is moot. There would be no point served by affording the President a further opportunity to reply to the Public Protector's questions because the Public Protector is not able to revisit the findings, as she is *functus officio*.

58. The application consequently stands to be rejected on this basis. The appropriate recourse is thus for the President to await the Public Protector's report and to seek to review it if and to the extent that it (a) makes adverse findings against him and (b) he is of the view that he was denied his right to *audi alteram partem* in relation to such findings.

THE PRESIDENT HAS FAILED TO DEMONSTRATE ANY PREJUDICE OR REAL RISK OF SUCH

Failure to demonstrate prejudice and the public's right to know

59. Our courts have held that the right to review only exists where an applicant can show prejudice. The same must apply with even more force where, as in this case, the applicant is seeking to interdict the publication of a report, particularly one of such public significance, from being published.

60. I am thus advised and I submit that our courts have confirmed, in the context of the freedom of the media, that interdicting a publication which is in the public interest is only lawful where the applicant can show prejudice that is demonstrable and substantial and that there is real risk of such prejudice occurring. Mere conjecture or speculation that such prejudice will occur is not enough.

61. Even then, a court will only grant an interdict where it is satisfied that the prejudice that would result would not outweigh the prejudice that would result from not granting such. I am advised and I submit that these principles must apply with even greater force in this context, namely the release of a report by the Public Protector in relation to an issue that is of

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65. Yet, this is manifestly not so. Section 7(2) manifestly applies to "documents" and "records of evidence" in the possession of the Public Protector. The President could easily have omitted any references to such

64. In addition, the President's allegations that it was impossible for him to respond within the timeframe afforded to him by the Public Protector are unsubstantiated. Thus, he has not attached the Public Protector's questions. He alleges in this regard that section 7(2) of the Act prevents him from doing so.

63. In addition, the President's allegations that the Public Protector has or is likely to make adverse findings against him are nothing more than speculation. This is evident from the President's application. Thus, he alleges in this regard that the Public Protector "may" make adverse findings against him. He alleges further that it is "unlikely" that the Public Protector's report will impact on his dignity. Even if the President meant to state that it was "likely", it is evident that his allegations in this regard are purely speculative.

62. In this case the President has not shown a real risk of demonstrable and substantial harm to his reputation. Thus, it is not known at this point (a) whether the Public Protector has in fact made adverse findings against the President (b) what the content of these findings are and (c) whether the President was in fact denied his right to be heard in relation to such findings. Thus, whether the right to be heard has in fact been breached cannot be determined in the abstract and in isolation from the actual findings against the President, which are unknown at this stage.

the utmost public importance.

in the Public Protector's questions. The President's allegations that he has not been afforded adequate time to respond to the Public Protector's questions are consequently unsubstantiated:

65.1 He does not in any way substantiate his allegation that he would need to interview 21 persons as to whether they visited a particular residence (paragraphs 8 - 9). In this regard, it is highly unlikely that the Public Protector would be seeking information that is outside of his personal knowledge and thus in effect be asking the President to investigate on her behalf.

65.2 He has also not substantiated his allegation that the questions "are varied and require extensive information" from him and "date[s] back to 2009" and thus require him to "first establish what transpired" (paragraph 20). Again, it seems highly unlikely that the Public Protector would seek information that falls outside of the President's personal knowledge.

65.3 He has also not explained why and to what extent the questions that the Public Protector has asked of him requires him to "check diaries, consult with various individuals, obtain legal advice, verify independently the correctness of the information at my disposal" and why it was impossible for him to do so within the timeframe afforded by the Public Protector (paragraph 36).

66. Thus, the President has not demonstrated a real risk of substantial and demonstrable prejudice. His allegations in this regard are speculative.

67. Thus, the President has not made out a case that justifies interdicting the release of the Public Protector's report. In addition, he has an alternative,

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72. It is not known whether the Public Protector has made adverse findings against the President. As in the case of Mr Van Rooyen, the Public

71. The President has not established a reasonable apprehension of irreparable harm, much less actual harm.

Reasonable apprehension of irreparable harm

70. Thus, the President has not established a *prima facie* right, much less a clear right, to the relief sought. His application should consequently be rejected.

69. As set out above, the President's interpretation of section 7(9)(ii) must be rejected. The Public Protector has complied with this provision. In addition, his argument that his right to be heard was violated because he was not afforded sufficient time to respond must also be rejected.

Prima facie or clear right

68. The President's application does not meet the requirements for an interim or a final interdict.

THE REQUIREMENTS FOR AN INTERDICT

adequate remedy, which, for the reasons set out above, is the constitutionally appropriate remedy in the circumstances of this case. That is to review the Public Protector's report if she has indeed made adverse findings against him without affording him an opportunity to be heard in relation to such.

Protector may ultimately have decided, even in the absence of the President's response to the questions directed to him, that there was not a sufficient basis on which to make adverse findings against him.

73. Thus, as set out above, the President's statements to the effect that the Public Protector has made adverse findings against him are nothing more than supposition. In addition, even if the Public Protector has made adverse findings against him, if such findings are unfair (for example because he was denied an adequate opportunity to be heard), he can review and set aside such findings.

74. Thus, the President has not demonstrated any reasonable apprehension of irreparable harm, much less actual harm.

The balance of convenience

75. As set out above, there is no reasonable apprehension of irreparable harm to the President, much less actual harm. On the other hand, the Public Protector's report into allegations of "state capture" is an issue of the utmost public importance and has been the subject of intense public interest and concern.

76. It is consequently manifestly in the public interest, in particular the public's right to know, that the Public Protector's report be released without any further delay. Thus, if the President were to succeed in his application, the public interest would be prejudiced. This prejudice far outweighs any potential prejudice to the President's right, which can be adequately remedied by an application to review the Public Protector's findings once her report is released.

Alternative remedy

77. If and when it is confirmed that the Public Protector has in fact made findings against the President, he can seek to review such if he remains of the view that there is a legal basis to do so. Thus, the President has an alternative, adequate remedy.

78. In addition, as set out above, in the circumstances of this case, this is the remedy that is consistent with the Constitution as opposed to seeking to interdict the release of the report, which is not.

CONCLUSION

79. I submit that I have a direct and substantial interest in this matter and that my application to intervene should consequently be granted.

80. I submit further that the President has not made out a case for the relief sought in his notice of motion and that his application should be dismissed with costs.

DEPONENT

[Signature]

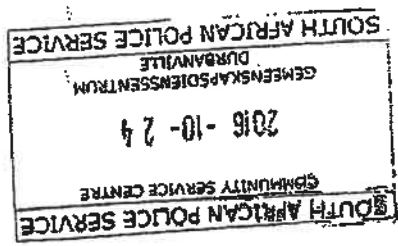
I hereby certify that the abovementioned deponent acknowledged to me that she knows and understands the contents of this affidavit, that it is to the best of her knowledge both true and correct, and that she has no objection to taking the prescribed oath and considers it to be binding on her conscience.

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COMMISSIONER OF OATHS
 24th Ave Street
 Durbanville
 9703800



Thus signed and sworn to before me at Durbanville on this the 24 day
 of October 2016

1. I have decided to respond to and clarify certain questions that have been in the public domain recently. I do so in accordance with my conscience, my political values and the best traditions of my organisation, the ANC, of which I have been a member since my early teens.
2. I regard our Constitution as being sacrosanct and it embraces the values that South Africans struggled for, and what we live by. I was appointed Deputy Minister in terms of the Constitution by the President of the Republic. Any practice that conflicts with the precepts of the constitution must be challenged in the interest of our democracy and the accountability we have to our people. The ANC that we have been and continue to be proud members of, has offered us the opportunity to serve our country, an honour that I do not take for granted. My historical commitment to the liberation of our people has not waned.
3. My daily decisions and actions are informed by the understanding that true political freedom will be achieved through deliberate and active management of a transformed yet inclusive growing economy. The current economic climate presents many risks for our country, which requires responsible leadership to avoid a full-blown crisis. We have to unite on the key issues relating to managing the macro-economic risks, while urgently unlocking new sources of growth and job creation. South Africa requires "all hands on deck".
4. The extent to which we are able to navigate the current macro-economic challenges, restore investor confidence and rapidly stimulate growth, will depend on heightened levels of political leadership.
5. The narrative that has grown around the issue of "state capture" should be of concern to all responsible and caring South Africans, particularly those of us who have accepted the task to lead our people. We cannot afford to ignore the obvious impact these sentiments may have on our country and the resultant potential of undermining our moral authority. Neither can we afford to allow the attempt to capture the state to divert us from dealing with the challenges that our country faces.

STATEMENT BY DEPUTY MINISTER OF FINANCE MR. MCEBISI JONAS (MP)

MEDIA STATEMENT

MINISTRY OF FINANCE
REPUBLIC OF SOUTH AFRICA



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MR 11/1



MINISTRY OF FINANCE
REPUBLIC OF SOUTH AFRICA

History will judge us on the extent to which we have stayed true to the commitments we have made to our people through our public pronouncements and private conduct.

6. Therefore let me state the facts on the matter of whether I was approached by non-governmental individuals in respect of the position of Minister of Finance. Members of the Gupta family offered me the position of Minister of Finance to replace then-Minister Nene. I rejected this out of hand. The basis of my rejection of their offer is that it makes a mockery of our hard earned democracy, the trust of our people and no one apart from the President of the Republic appoints ministers. Let me also place it on record that there was no discussion between the Deputy Secretary General of the ANC Ms Jessie Duarte and myself on this matter.

7. I have hesitated to speak out publicly on this matter until now, but I feel it is no longer possible to remain quiet. Of primary concern to me is that this issue has a real danger of diverting attention away from the real and urgent challenges we face as a country.

8. I am committed to good governance, abiding by the constitution of our country and being accountable to our people who repeatedly express their confidence and trust in us, election after election. It is this constant state of awareness and consciousness drummed into most of us throughout our service in the national democratic revolution led by the ANC, that has provided us with the moral capital and tools to apply sound judgement to navigate challenges that emerge in the natural course of societal leadership. It is only through these values and moral covenants that I serve my organisation, my fellow country men and women, my beloved South Africa.

9. Finally, I remain confident that the challenges that we face as a nation will be overcome if we collectively use our efforts for the benefit of all. I am resolute in playing my part in preserving the integrity of National Treasury as an institution in my capacity as Deputy Minister. I'm also committed to in making my contribution towards building a prosperous South Africa led by the glorious movement of our people, the African National Congress.

Issued on behalf of the Ministry of Finance
Date: 16 March 2016

Enquiries: Communications Unit
Email: media@treasury.gov.za
Tel: (012) 315 5944

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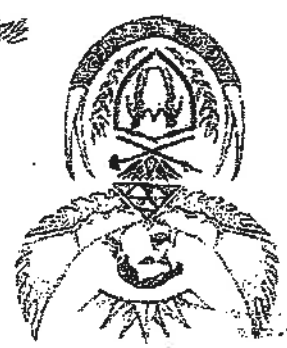
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Page 4 of 6
"MPM2"

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Former ANC MP Vytjie Mentor responds to the statements by the Presidency

Vytjie Mentor has been trending (https://twitter.com/hatting/VytjieMentor) on Twitter as a result and these are some responses to the speculations:

Response to #VytjieMentor

ReformGroup
It looks like The Gupta's are offering everyone a job. Where do we apply though?

Benjamin Bhebeze
Surely this weekend's NEC mg is a rubber stamp for the ANC's recovery efforts. Right?

Zandiso Rabinov
And Zuma will still be defended, because those that do have to sing for their support. Vytjie, please.

Thank You Mntor!

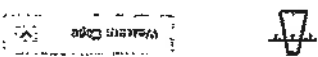
Written by: Dams Qobela (https://www.capetalk.co.za/authors/74)

www.facebook.com/sharer/sharer.php?u=https://www.capetalk.co.za/articles/12235/former-anc-mp-vytjie-mentor-responds-to-the-statements-by-the-president
<https://twitter.com/intent/tweet?text=Former ANC MP Vytjie Mentor responds to the statements by the president>

<http://www.capetalk.co.za/articles/12235/former-anc-mp-vytjie-mentor-responds-to-the-statements-by-the-president>

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Road name: Albert Road Highway

Cape Town
Road name: N1 Elizabeth Freeway

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Lottery results for Saturday, September 24

JOBS IN CAPE TOWN
PROPERTY
[change area]



24

News 24 has reported a number of the government's efforts to place one of the Gupta brothers

The Minister of Finance did not confirm or deny the fact that the Gupta brothers approached him as deputy minister for those

the Gupta family, which is said to have strong ties with President Jacob Zuma, his family and other

At the weekend, reports emerged that they had offered the job of finance minister to deputy minister

James reportedly turned down the job

There have also been reports that Sport Minister Fikile Mkhabela heard he had been approached a

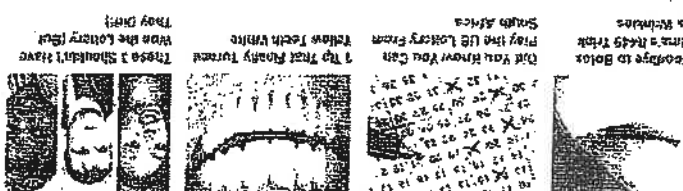
NEWS24

Join the conversation!

24 2PM broadcasted conversation with Mkhabela. Contributed one of 208 words or

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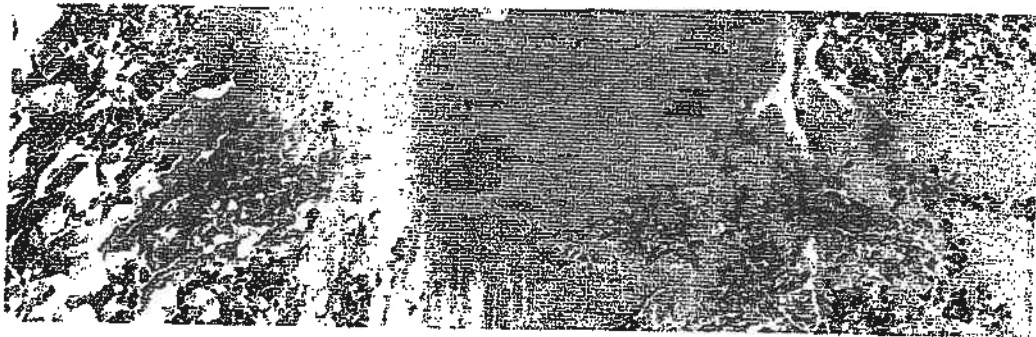
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24/10/2016

http://www.news24.com/SouthAfrica/Politics/there-is-proof-cupias-are-meeting-24

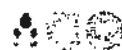
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Vytjie Mentor updated her profile picture.



Like Like



Dear Zuma, I spoke to the PP. I revealed things about. You and about your folly relationship with the Guptas through your son. I can go one-on-one with you on a publicly televised hearing only AFTER the PP releases her Report, with or without you having responded to the questions she posed to you six months ago. I am NOT scared of you, of your lies, your tricks, your delaying tactics, your attempted intimidation, your harassment, and what you normally do to people. You are a coward that hides behind State power all the time. Where ever have you heard a person thats being investigated by the PP making the silly demands you are making? Power has really ran to your head. I feel...

Vytjie Mentor



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"MPMS"

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 80707/16

In the matter between:

DAVID DOUGLAS (DES) VAN ROOYEN

Applicant

and

THE PUBLIC PROTECTOR

Respondent

FILING NOTICE

DOCUMENT FILED: Respondent's answering affidavit

FILED BY: ADAMS & ADAMS

Attorneys for the Respondent
ANDREW MOLVER

Lynnwood Bridge Office Park

4 Davenport Road

Lynnwood Manor

PRETORIA

TEL: (012) 432 6000

FAX: (012) 432 6599

Email: andrew.molver@adamsadams.com

Ref: ANM/gkd/LT3340

TO:

THE REGISTRAR OF THE HIGH COURT
PRETORIA

1888

AND TO:

KHAMPHA ATTORNEYS INCORPORATED

Ref: DEM16/0269/JS4

c/o TM CHAUKE INCORPORATED

2nd Floor, Eastwing, Sammy Marks Square

314 Church Street

PRETORIA

Ref: Cogta / A Khamppha

Email ezwi@khamphainc.co.za

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Handwritten signature and initials

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 80707/16

In the matter between:

DAVID DOUGLAS (DES) VAN ROOYEN

Applicant

and

THE PUBLIC PROTECTOR

Respondent

ANSWERING AFFIDAVIT

I, the undersigned,

CHRISTOFFEL HENDRIK FOURIE

do hereby make oath and say:

1 I am a major male and the Head of Legal Services at the Office of the Public Protector, an institution established by section 181 of the Constitution of the Republic of South Africa, 1996 with its national head office located at Hillcrest Office Park, 175 Lunnun Street, Hatfield, Pretoria.

2 I am authorised to depose to this affidavit by virtue of my appointment in terms of section 3(1)(c) of the Public Protector Act and the powers delegated to me in terms section 3(3) of the Public Protector Act, and do so on instruction of the head of the Office of the Public Protector, Adv TN Madonsele.

3 The contents of this affidavit fall within my personal knowledge except where otherwise indicated by the context, and are to the best of my belief both true and correct. Where I make legal submissions I do so on the advice of the Public Protector's legal representatives.

4 The applicant seeks an urgent interim interdict pending the determination of Part B of his application. Until that time, he wants to interdict the Public Protector "from finalising and/or publishing any findings, point of view or recommendations in respect of an investigation into complaints regarding alleged improper and unethical conduct by the President of the Republic related to alleged improper relationships and allowing improper conduct of the Gupta Family ("the investigation") insofar as those findings, point of view or recommendations involve allegations concerning the applicant." (paragraph 2 of the notice of motion).

5 The applicant's complaint is that he is at risk of being the subject of adverse factual findings without having had a reasonable opportunity to be heard on the allegations against him (paragraph 11 of the founding affidavit).

6 The applicant is correct that the Public Protector is in the process of completing a report relating to the relationship between the Gupta family and the President ("the report"). However, there is no risk that the report will cause any prejudice to the applicant.

7 The factual position with regard to the report is the following:

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7.1 The Public Protector has already finalised and signed the report. Insofar as the applicant seeks to stop the Public Protector from finalising the report, therefore, the application is too late.

7.2 The report makes no findings, expresses no point of view, and makes no recommendations involving allegations concerning the applicant. The Public Protector's attorney informed the applicant of this fact in correspondence last night (sent at 10.25pm on 13 October 2016). I attach a copy as AA1. There is therefore no need for the interdict which the applicant seeks at prayer 2 of the notice of motion.

7.3 In the light of these facts, there is no need for an interim interdict, and the matter does not merit being heard as one of extreme urgency.

8 There is accordingly no factual basis for the grant of the interdict. As the report makes no findings, point of view or recommendations with respect to the applicant, there is no reasonable apprehension of irreparable harm, and no prima facie right to the relief sought.

9 Moreover, I am advised and submit that the application is bad in law:

9.1 The applicant seeks to interdict the exercise of a public power. I am advised that this Court will grant such an interdict only in the clearest of cases, and after giving careful consideration to the separation of powers harm that will result. This is plainly not an appropriate case for such an interdict to be granted.

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9.2 Given that the report makes no adverse findings against the applicant, it is not necessary for the applicant to exercise his section 7(9) rights prior to the report's publication.

10 The application should be dismissed with costs.

DEPONENT

C. H. H. H.

Signed and sworn before me at PRETORIA this 14th day of OCTOBER 2016 after the deponent declared that he/she is familiar with the contents of this statement and regards the prescribed oath as binding on his/her conscience and has no objection against taking the said prescribed oath. There has been compliance with the requirements of the Regulations contained in Government Gazette R1258, dated 21 July 1972 (as amended).

COMMISSIONER OF OATHS:

FULL NAMES:

CAPACITY:

ADDRESS:

*ATTORNEY GENERAL
SARU MALI LUGEL
ATTORNEY GENERAL
323 LINDEN ROAD
MABO PIER, 019 1023.*

BY EMAIL

azw!@khamphinc.co.za To:

info@khamphaiinc.co.za

From: andrew.molver@adamsadams.com

cc: Gabriel Dewey@gmail.com

KHAMPHA ATTORNEYS INCORPORATED
Sandton

ATTENTION: AZWINNDINI KHAMPHA

Dear Sirs

DAVID DOUGLAS (DES) VAN ROOYEN / THE PUBLIC PROTECTOR
CASE NO. 80707/2016

Date: 13 October 2016

Your Reference: CorGa / A Khampha

Our Reference: LT3340/ANM/SKD

W/FB www.odomodams.com
EMAIL info@odomodams.com
FAX +27 12 432 4599
PHONE +27 12 432 8000
DOCEX 81 Pretoria
PO BOX 1014, Pretoria 0001, South Africa
LYNWOOD MANOR Pretoria, South Africa
PERITORIA OFFICE Lymwood bldge. 4 Coventry St.

Adams & Adams

1. We act on behalf of the Public Protector, being the respondent in the application instituted by your client out of the Pretoria seat of the Gauteng Division of the High Court earlier today.
2. In Part A of your client's application, which is set down for hearing tomorrow, your client seeks an order interdicting our client "from finalising and/or publishing any findings, point of view or recommendations in respect of an investigation into complaints regarding alleged improper and unethical conduct by the Gupta family" ("the investigation") insofar as those findings, point of view or recommendations involve allegations concerning your client.
3. Our instructions are that our client's report will not express a point of view or make any findings and/or recommendations that involve allegations concerning your client.
4. In the circumstances, there can be no possible basis for the relief sought by your client in Part A of his application and, in any event, for your client's application to be heard as one of urgency tomorrow.
5. In the circumstances, we invite your client to withdraw Part A of its application and remove the matter from the urgent court roll for tomorrow. We request that you notify us of your client's intentions in this regard by 09h00 tomorrow, 14 October 2016 by way of email to the following addresses:

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"AAT"

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Page 2

5.1. Andrew.molver@adamsadams.com; and

5.2. Gabrielle.dewey@adamsadams.com.

6. Should you client refuse to withdraw the application, we hold instructions to attend at the urgent court hearing tomorrow and oppose your client's application in terms of Part A, for purposes of which a copy of this letter will be made available to the court.

7. Our client's rights are fully reserved.

Yours faithfully

ADAMS & ADAMS

A MOLVER

Checked and signed by author and sent electronically

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cc
for
ms