



MINDE SCHAPIRO & SMITH

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Our Ref: DEM16/0924/ELZANNE JONKER/ks | Your Ref: | Date: 5 July 2023

TO: **WEBBER WENTZEL**

PER EMAIL: dario.milo@webberwentzel.com;
odette.geldenhuys@webberwentzel.com

AND TO: **NORTON ROSE FULBRIGHT SOUTH AFRICA INC**

PER EMAIL: laura.macfarlane@nortonrosefulbright.com

AND TO: **WERKSMANS ATTORNEYS**

PER EMAIL: dsingo@werksmans.com; llebepe@werksmans.com

AND TO: **STATE ATTORNEY, PRETORIA**

PER EMAIL: rsebelemetsa@justice.gov.za; ramatics@gmail.com

**IN RE: DEMOCRATIC ALLIANCE// PRESIDENT OF RSA & OTHERS CASE NO.: 50604/2023-
REQUEST FOR ADMISSION AS AMICUS CURIAE**

1. We refer to your correspondence dated 4 July 2023, wherein you requested our client's consent to the intervention of your various clients as *amici curiae*.
2. Our client consents to the admission of your client as *amici curiae*, provided that it abides by the timetable as per the directives issued by the Deputy Judge President on 20 June 2023, or any further directions issued by the Deputy Judge President. Our client requires that the matter proceed on 21 July 2023, and will not consent to any delay in the hearing.

Minde Schapiro & Smith Incorporated | Attorneys Notaries & Conveyancers since 1929 | Registration number 2010/025182/21

Directors: Heinrich Crous BA LLB | Elzanne Jonker BA LLB | *Jonathan Rubin BComm LLB LLM | Venesen Reddy LLB

Senior Associate: Gerhard Lourens FPSA® BA LLB

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Consultants: Louis Meyer BJuris LLB | Marianne Olivier BComm LLB LLM | Marais Hoon BA LLB | Patrick Stilwell BA LLB

Vat registration number: 4580257428 | *At Greenacres, Gqeberha (previously Port Elizabeth)



3. We confirm that we undertook to maintain confidentiality over the answering affidavit with an express reservation of our client's right to request the Court to order that any portion claimed as confidential be deemed not confidential once our client's legal representatives had an opportunity to consider the affidavit. We cannot, therefore, disclose that affidavit. The DA has, today, served a replying affidavit on the Respondents. In order to comply with our confidentiality undertaking, that affidavit too has not been filed, and cannot be disclosed.
4. We are of the opinion that the answering affidavit should not be confidential and it is in the public's interest to have access to it. We will argue that position to the Deputy Judge President in a case management meeting, and before the Court hearing the matter. In our view, the Government's claim for confidentiality is specious. Unfortunately, we cannot explain the basis for our position without violating our confidentiality undertaking.
5. In line with the directives issued by Deputy Judge President dated 20 June 2023, we propose that your client file any written submissions by no later than 10 July 2023 and to advance oral argument, if any, at the hearing of the matter on 21 July 2023. A copy of the directives is annexed hereto marked "A". Alternatively, if your client is unable to file its written submissions by that time, or is unable to do so without sight of the answering affidavit, we advise that the parties agree to alternative timelines in a case management meeting with the Deputy Judge President.
6. Our office addressed correspondence to the Deputy Judge President last week to request an urgent case management meeting. We have been advised that he is out of the office and will only be able to accommodate all the parties during the week of 10 July 2023, to resolve the following issues:



- 6.1. The request by the government for a directive regarding confidentiality;
 - 6.2. The outstanding response from the government to the DA's request for disclosure (under confidentiality) of outstanding documents; and
 - 6.3. The admission of various *amicus*, their right to access to the answering affidavit, and the timelines for them to file written submissions.
7. We will ensure that you are notified of any case management meeting that is arranged.
 8. We trust the above is in order.

Yours faithfully

MINDE SCHAPIRO & SMITH INC.

per: **E JONKER**

(Done electronically – therefore unsigned)