



KGOROEADIRA MUDAU INC

1 November 2017

To: Jacques Pauw
c/o NB Publishers
Box 879
Cape Town
8000

And: The Chief Executive Officer
NB Publishers
Box 879
Cape Town
8000

Dear Sir(s)/Madam

Re: **UNLAWFUL PUBLICATION OF CLASSIFIED INFORMATION**

1. We act on behalf of the State Security Agency, ("our client") and refer to the recently published book with the title "**PRESIDENT'S KEEPERS**" ("the book") wherein you make reference to our client, its agents and operational methods.
2. It has also come to our attention that the book has been published by "Tafelberg, an imprint of NB Publishers, a division of Media 24 Boeke Pty Ltd."
3. Noting your admission that you did not seek the views of the people apparently implicated, it is not surprising that this book is replete with inaccuracies. We record that it is the duty of the author, editor and publisher to ensure the accuracy thereof. In the circumstances, we hold them jointly and severally responsible for any repeat publication of this fake information.

4. While we do not wish to traverse each and every part of the book which is of concern to our client, as these are too many, we record that the book contains parts that are in contravention of the Intelligence Service Act, Act 65 of 2002 (the Act). As our client is constitutionally mandated to ensure the security of the State and protect the identity of its members and agents, it has a duty to act in instances where such security is breached either by disclosure of its legitimate operational methods, classified documents, as well as the identity of its agents.
5. Similarly, section 10(4) of the Act compels the Director-General to “as far as is reasonably practicable, take steps to ensure that the national security intelligence, intelligence collection methods, sources of information and the identity of members of the Agency, are protected from unauthorised disclosure.”
6. While our client notes the inaccuracies contained in the book, it is more concerned with those parts which are of a criminal nature and constitute a violation of the relevant intelligence statutes and thus compromise the security of the State. Among other things, our client is concerned with the following parts, which are either criminal or in violation of the Intelligence Services Act or any other legislation -
 - 6.1. In presenting your account of the Agency, you ostensibly engaged in conversations with a former member of the Agency, Mr. Paul Engelke. It is a matter of court record that after his departure from the Agency, Mr. Engelke instituted a civil case wherein he sought reinstatement in the Agency or compensation exceeding R5 million after the former Director-General accepted his voluntary resignation. As a former member of the Agency, Mr. Engelke is nevertheless bound by section 26 read with section 27 of the Act. Section 26(1)(f) criminalises the disclosure of classified information or material by a former member

of the Agency without the permission of the Director-General. It is self-evident that Mr. Engelke has not made an application for such permission to date, and that his unlawful disclosures to you therefore contravenes the Act for which he may be held criminally liable;

- 6.2. The identities of the many members and sources of the Agency that are replete in the book;
- 6.3. The intelligence collection methods such as the equipment and techniques used for intelligence gathering;
- 6.4. The intelligence gathered from the projects of the Agency; and
- 6.5. Interceptions of classified communications.

7. The above matters are unlawful and the cause of grave concern to our client. While our client prepares to lay criminal charges in respect of the relevant parts of the book and the individuals concerned, we are instructed to demand, as we hereby do, that:

7.1. You forthwith:

- 7.1.1. Cease and desist from making your book available to the public and/or publisher(s);
 - 7.1.2. Withdraw your book from Tafelberg and any retailer supplied therewith;
 - 7.1.3. Retract all those parts which are inaccurate, reveal our client's agents, operational methods and classified documents and information;
- 7.2. You provide written confirmation, with the necessary attachments indicating compliance with the above, within five (5) days of receipt of this letter.

7.3. Please be advised that should you fail to adhere to the above demands, our client reserves the right to, inter alia:

7.3.1. Bring an application in the High Court without further notice to you or the publisher, in which our client will seek appropriate remedy including, but not limited to, an interdict preventing you from further distribution, further printing, publishing or promotion of the book;

7.3.2. Institute criminal charges against you and any other individual concerned in relation to those parts of the book which are in violation of the relevant statutes.

8. We await your written response and confirmation of your compliance with the above.

9. Our clients' rights are reserved.



Kgoroadira Mudau Inc

Per: RGM Kgoroadira