



**BERNADT VUKIC  
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A T T O R N E Y S

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**OUR REF:** CQ/145584

**YOUR REF:** Dr RMM Young  
P2/01/2014

**DATE:** 18 July 2014

**The Chairman**

Arms Procurement Commission of Enquiry  
Council Chambers  
cnr Lilian Ngoyi and Madiba Streets  
Pretoria

by e-mail: admin@armscomm.org.za

**cc: Adv Mdumbe**

Arms Procurement Commission of Enquiry  
cnr Lilian Ngoyi and Madiba Streets  
Pretoria

by e-mail: fmdumbe@armscomm.org.za

Dear Sirs

**RICHARD YOUNG / ARMS PROCUREMENT COMMISSION OF ENQUIRY**

1. We refer to the e-mail dated 18 July 2014 sent to us by Adv Mdumbe at 13:44 CAT. In that e-mail Adv Mdumbe confirmed receipt of our e-mail of 17 July 2014 and indicated that the issues raised in that e-mail will be dealt with on 21 July 2014 (presumably at the commencement of proceedings before the Commission). Adv Mdumbe also requested that we furnish the Commission with a copy of our client's identity document in order to finalise his travel arrangements to Pretoria.
2. This e-mail is puzzling as it appears to ignore the reasons given on behalf of our client explaining why he would not attend the hearing of the Commission on 21 July 2014. It is also strange that the Commission would wait until Friday

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**CONSULTANTS:** ELIZABETH HACKING NICCI MATISONN URVESH MAKANJEE ADAM SNITCHER

afternoon to make travel arrangements when it was indicated that it should do so by our client a week earlier. This is clearly unacceptable.

3. What is more disturbing is that the Chairman of the Commission is reported to have stated at approximately 14:26 CAT on 18 July 2014 (after the conclusion of former President Mbeki's evidence) that our client has been served with a subpoena and that he expects our client to attend on Monday, whatever our client's issues. This of course contradicts the e-mail from Adv Mdumbe sent to us at 13:44 CAT today in which he stated that the issues raised in our letter would be dealt with on 21 July 2014.
  
4. From this statement by the Chairman it appears that:
  - 4.1. The Chairman of the Commission had knowledge of our letter dated 17 July 2014;
  - 4.2. The Chairman has reached a decision regarding our client's submissions (as contained in the letter); and
  - 4.3. Notwithstanding those submissions the Chairman of the Commission expects our client to attend the Commission.
  
5. This is significant in that we had indicated that our client would make available a note from his ophthalmic surgeon, Dr Attenborough, dealing with his medical condition. The Chairman made a decision without calling for this document which indicates that he did not apply his mind to the contents of our letter before making the decision or he regarded it as irrelevant in reaching his decision. In either event the decision is (with respect) not rational or procedurally fair.

6. It would now be pointless for our client to cause a legal representative to appear and make submissions on his behalf on 21 July 2014 as a decision has been made.
7. Our client has advised us that Dr Attenborough has been in surgery and consultations yesterday and today and for that reason has been unable to provide our client with a note referred to in our previous letter. This note may only become available over the week-end or on Monday morning. It will be provided to the Commission as soon as possible.
8. Our client will not be attending the Commission on 21 July 2014. Our client respects the Commission and the purpose for which it has been established. He repeats that he would like to testify at a time when it would be possible for him to do so properly.

Yours faithfully

**BERNADT VUKIC POTASH & GETZ**

Per:

**CJ QUINN**

[cquinn@bvpg.co.za](mailto:cquinn@bvpg.co.za)

