

Mindes

MINDE SCHAPIRO & SMITH

Docex 1 | Tygerberg
PO Box 4040 | Tyger Valley | 7536 | South Africa
Tyger Valley Office Park | Building Number 2 | Cnr Willie van Schoor & Old Oak Roads | Bellville
T: 021 918 9000 | 021 918 9020 (Direct Line) | F: 021 918 9070 (General) | 0866131061 (Direct Fax)

E: eizanne@mindes.co.za | www.mindes.co.za

Our Ref: DEM16/0473/ELZANNE JONKER/ks | Your Ref: | Date: 23 November 2017

THE PRESIDENT OF SOUTH AFRICA

Union Buildings
Government Avenue
PRETORIA

Per Email: presidentrsa@presidency.gov.za; president@po.gov.za
Robert@presidency.gov.za

MINISTER OF INTERNATIONAL RELATIONS & COOPERATION

O R Tambo Building
460 Soutpansberg Road
Rietondale
Pretoria

Per email: Minister@dirco.gov.za | ramoraswim@dirco.gov.za

MINISTER OF HOME AFFAIRS

909 Arcadia Street
PRETORIA

Per email: Minister@dha.gov.za; vuyiswa.frans@dha.gov.za

MINISTER OF JUSTICE

Salu Building
316 cnr Thabo Sehume and Francis Baard Streets
PRETORIA

Per email: Minister@justice.gov.za; Cmonageng@justice.gov.za

Dear President and Ministers

ROBERT AND GRACE MUGABE

1. We present the Democratic Alliance ("our client").
2. It is of concern that our client notes that there is a suggestion in the general and social media that either or both Mr Robert Gabriel Mugabe and his wife Dr Grace Mugabe, both of Zimbabwe, would be entitled to reside in South Africa on any basis.
3. It is not in South Africa, and in particular the people of South Africa 's interest for the

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Directors: Louis Meyer B Juris LLB | Heinrich Crous BA LLB | Rosalie Smit B Comm LLB |
Elzanne Jonker BA LLB | Jonathan Rubin B Comm LLB LLM | Venesen Reddy LLB
Senior Associate: Gerhard Lourens FPSA@
BA LLB

Consultants: Gerhard van Reenen | Marianne Olivier B Comm LLB LLM | Marais Hoon BA LLB | Rolé Beeby BA LLB

Vat registration number: 4580257428 | Also at Greenacres, Port Elizabeth

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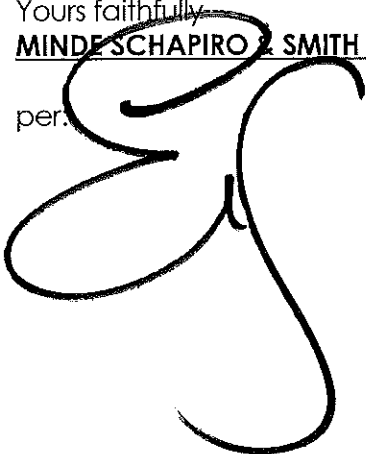
Mugabes to be permitted to reside in South Africa on any basis at all.

4. In particular there is serious reason to believe that both are responsible for serious crimes, including the gravest crimes under international law.
5. Our client has instructed us to inform you, as we hereby do, that it is in the public interest and in the interest of its members, that they have a right to participate in any process in which the Mugabes were to be offered any residence whether it be under the Immigration Act or Refugee Act, in South Africa.
6. It is our considered view that such an offer would be unconstitutional, unlawful and in violation of principles of International law.
7. Quite apart from the substance of our submissions above it is now trite that any such offer must be preceded by a rational decision-making process (see *Albutt v Centre for the Study of Violence and Reconciliation and Others* (CCT 54/09) [2010] ZACC 4; 2010 (3) SA 293 (CC); 2010 (2) SACR 101 (CC); 2010 (5) BCLR 391 (CC) (23 February 2010) and *Democratic Alliance v President of South Africa and Others* (CCT 122/11) [2012] ZACC 24; 2012 (12) BCLR 1297 (CC); 2013 (1) SA 248 (CC) (5 October 2012).
8. Rationality at a minimum would require the government to consider the legal and factual basis for the DA's concerns relating to residence for the Mugabes in South Africa
9. Please inform us, before any preliminary or final decision concerning the Mugabes and their entrance into and residence in South Africa is considered and made.

Yours faithfully,

MINDE SCHAPIRO & SMITH INC.

per.



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