

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No: 8685/2020

In the matter between:

LEON SCHREIBER

First Applicant

DEMOCRATIC ALLIANCE

Second Applicant

and

STELLENBOSCH UNIVERSITY

First Respondent

**THE INFORMATION OFFICER:
STELLENBOSCH UNIVERSITY**

Second Respondent

STELLENBOSCH UNIVERSITY COUNCIL

Third Respondent

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Dated at Stellenbosch on 19 August 2020

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Judge Burton Fourie
14 Seahair Circle
Atlantic Beach Estate
Melkbosstrand

4 November 2019

Dear Judge Fourie

INDEPENDENT INVESTIGATION INTO THE ALLEGATIONS AGAINST THE RECTOR AND VICE-CHANCELLOR

1. On 24 October 2019 I received a letter from Dr Leon Schreiber requesting an independent investigation into allegations in the public domain against Prof Wim de Villiers of irregular, unethical and possibly unlawful interference in the recently-concluded litigation about the University's 2016 language policy, and posing the question whether Prof De Villiers should consequently be removed from the office of Rector and Vice-Chancellor. A copy of Dr Schreiber's letter is attached, marked 'A'.
2. The removal of the Rector and Vice-Chancellor from office is regulated by clause 42(3) of the Statute of the University, the relevant part of which provides that the Council may dismiss the Rector from office by a two thirds majority vote of all its members on the grounds of serious violation of the law or serious misconduct.
3. At an extraordinary meeting of the Executive Committee of the SU Council (EC(C)) on 31 October 2019 (a copy of the EC(C) report is attached, marked 'B') the following resolution was reached:
 - 3.1. that the EC(C) notes the letter by Dr Leon Schreiber dated 24 October 2019 requesting an independent investigation following the allegations in the public domain against Prof Wim de Villiers of irregular, unethical and possibly unlawful interference in the recently-concluded litigation about the University's 2016 language policy;
 - 3.2. that the EC(C) notes the Registrar's message that the Rector has informed her prior to the meeting that he would welcome such an investigation;
 - 3.3. that, after consideration of Dr Schreiber's request as set out in his letter, the EC(C) decides that Council will conduct an independent investigation;
 - 3.4. that, after consideration of candidates, retired Judge Burton Fourie be appointed to conduct an investigation and prepare a written report to the Council, in time for its upcoming meeting on 2 December 2019, setting out the relevant facts and his conclusion as to whether or not the Rector

siam varentoe • nasiye phambili • forward together

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is indeed guilty of serious violation of the law or serious misconduct – these being the two relevant options in the new Statute, according to clause 42(3);

- 3.5. that Mr Yaseen Cariem, a director of VanderSpuy Attorneys, Cape Town, be appointed to provide Judge Fourie with the practical support he may require, including corresponding with the University and any persons Judge Fourie would want to interview, and arranging the venue, recording and transcription of any interviews; and
 - 3.6. that the decision to investigate the allegations against the Rector, does not mean that the Rector is suspended from his office pending the outcome of the investigation, as the EC(C) is of the opinion that there is no risk of interference from the Rector's side in the investigation.
4. To assist you, I attach the following further documents:
- 4.1. a copy of a chronology of relevant events prepared by Ms Lorinda van Niekerk (Cluver Markotter Attorneys) and Adv Breitenbach SC, marked 'C';
 - 4.2. with reference to the chronology, copies of relevant correspondence in my possession, marked 'D';
 - 4.3. the Constitutional Court judgment in the matter between Gelyke Kanse and Others vs Chairperson of the Senate of Stellenbosch University and Others, marked 'E';
 - 4.4. the Media Summary of the Constitutional Court judgment, marked 'F';
 - 4.5. the media reports (from 11 October 2019 until 4 November 2019) on the Constitutional Court judgment, the appointment of the new SU Chancellor and the alleged interference in the recently-concluded litigation about the University's 2016 language policy, marked 'G'; and
 - 4.6. the report of 14 April 2016 by judge CT Howie concerning procedural deviations from language plan requirements, marked 'H'.
5. I was requested by Mr Chris Otto in the attached email, marked "I" to be included in the list of witnesses forming part of your investigation. I am conveying his request to you merely for the sake of completeness and not because the University wants to prescribe to you which persons you should interview as part of your investigation. I will also convey any similar requests, if any, to you.

Please do not hesitate to contact me if you have any queries. My cell number, should you need to contact me, is 082 874 0871.



Dr Ronel Retief
Registrar



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24 Oktober 2019

Dr Ronel Retief
Registrateur
Universiteit Stellenbosch
Per e-pos: ronelretief@sun.ac.za

Klagte teen die Rektor

Geagte Dr Retief,

Hiermee versoek ek, Dr Leon Schreiber LP, in my hoedanigheid as 'n alumnus van die Universiteit Stellenbosch (US) en voormalige lid van die Institusionele Forum, dat die US dringend 'n *onafhanklike* ondersoek loods teen die Rektor van die US, Professor Wim de Villiers. Die klagte spruit uit bewerings in die openbare domein dat De Villiers op 'n onreëlmatige, onetiese en moontlik onwettige wyse ingemeng het in die hofsak tussen die US en Gelyke Kanse oor die universiteit se taalbeleid.

Terwyl die saak – waarin die US die respondent was – steeds voor die Grondwethof was, het De Villiers na bewering herhaaldelik persoonlik kontak gemaak met die regter wat uiteindelik die uitspraak sou skryf, regter Edwin Cameron. Uit mediaberigte word die indruk ook geskep dat De Villiers die pos van Kanselier aan Cameron aangebied het as 'n manier om hom om te koop om ten gunste van die US te beslis in die hofsak.

Na bewering het De Villiers herhaaldelik vir Cameron probeer oortuig om die Kanseliersamp te aanvaar, selfs nadat Cameron geskryf het: "Ek sit juis omring van die dokumentasie in die saak wat ons volgende week aanhoor, en watter kant toe ook, sal my posisie in die beregting daarvan hopeloos gekompromitteer word sou ek die nominasie aanvaar. Eweneens sou my posisie as genomineerde waarskynlik onder billike bevraagtekening kom terwyl die saak nog hangende is."

Volgens die inligting wat tans in die openbare domein is, vra ek dat 'n *onafhanklike* ondersoekspan die volgende beweringe dringend ondersoek:

- Of De Villiers die US se reputasie, beeld en goeie naam geskaad het deur die indruk te skep dat hy 'n Grondwethof regter omgekoop het deur hom die pos van Kanselier aan te bied terwyl die saak steeds voor die hof was;
- Of De Villiers onwettig of oneties opgetree het deur herhaaldelik persoonlik kontak te maak met die regter wat uitspraak sou lewer in 'n saak waar die US die respondent was;
- Of De Villiers vir Cameron probeer omkoop het deur hom die Kanseliersamp aan te bied in ruil vir 'n gunstige hofuitspraak;

- Of De Villiers die Grondwethof se geloofwaardigheid, sowel as die hof se uitspraak in die betrokke saak, ondermyn het deur die indruk te skep dat hy vir Cameron probeer omkoop het met die Kanseliersamp;
- Of De Villiers uit sy amp verwyder behoort te word weens die skade wat hy die US aangerig het.

Ek vertrou dat U dringend 'n *onafhanklike* ondersoek sal las om hierdie saak te ondersoek.

Vriendelike groete,



Dr Leon Schreiber LP
leon.schreiberei@gmail.com

"B"

REPORT OF THE SPECIAL MEETING OF THE EXECUTIVE COMMITTEE OF COUNCIL: NO. 4/2019(1)

The Executive Committee of Council (EC(C)) held a special meeting on 31 October 2019.

Committee members present: Mr GM Steyn (chairperson for constituting the meeting), Mr A Moos (acting chairperson for the rest of the meeting), Prof SA du Plessis (telephonically), Messrs H Brody (telephonically) and JJ Durand.

Committee members absent with apology: Mr GM Steyn (recused himself directly after the constitution of the meeting), the Rector (Prof WJS de Villiers), Prof SA du Plessis (recused himself directly after the constitution of the meeting).

Present by invitation: Mr G Lipp (Senior Director: Legal Services, SU), Ms L van Niekerk (Cluver Markotter Attorneys), Mr D Thompson (Corporate Communications, SU).

Secretary: Dr R Retief (Registrar).

A. THE COMMITTEE REPORTS:

1. COMPLAINT AGAINST THE RECTOR REGARDING LITIGATION ON SU LANGUAGE POLICY
 - 1.1 That on 24 October 2019 the Registrar received a letter from Dr Leon Schreiber requesting an independent investigation into allegations in the public domain against Prof Wim de Villiers, SU Rector and Vice-Chancellor, of irregular interference in the recently-concluded litigation in the Constitutional Court about the University's 2016 Language Policy.
 - 1.2 That the Chair of Council convened a special meeting of the EC(C) to discuss, as a matter of urgency, the best way to deal with Dr Schreiber's complaint.
 - 1.3 That the Chair of Council, after constituting the meeting and as a result of his preceding knowledge of the Rector's request to Cameron J to make himself available to be nominated as candidate for the position of Chancellor of SU, recused himself. Mr AV Moos, Vice-Chair of Council, then chaired the meeting.
 - 1.4 That Prof S du Plessis, Chief Operating Officer, also recused himself for similar reasons as the Chair of Council.
 - 1.5 That the meeting was still quorate in terms of clause 15(3) the current Statute which states that a quorum is three members of whom at least two may not be employees or students of the University.
 - 1.6 That after thorough deliberation and as a matter of urgency, the EC(C) decided on behalf of Council:

- 6
- 1.6.1 that the EC(C) notes the letter by Dr Leon Schreiber dated 24 October 2019 requesting an independent investigation following the allegations in the public domain against Prof Wim de Villiers of irregular, unethical and possibly unlawful interference in the recently-concluded litigation about the University's 2016 language policy;
 - 1.6.2 that the EC(C) notes the Registrar's message that the Rector has informed her prior to the meeting that he would welcome such an investigation;
 - 1.6.3 that, after consideration of Dr Schreiber's request as set out in his letter, the EC(C) decides that Council will conduct an independent investigation;
 - 1.6.4 that, after consideration of candidates, retired Judge Burton Fourie be appointed to conduct an investigation and prepare a written report to Council, in time for its upcoming meeting on 2 December 2019, setting out the relevant facts and his conclusion as to whether or not the Rector is indeed guilty of serious violation of the law or serious misconduct – these being the two relevant options in the new Statute, according to clause 42(3);
 - 1.6.5 that Mr Yaseen Cariem, a director of VanderSpuy Attorneys, Cape Town, be appointed to provide Judge Fourie with the practical support he may require, including corresponding with the University and any persons Judge Fourie would want to interview, and arranging the venue, recording and transcription of any interviews; and
 - 1.6.6 that the decision to investigate the allegations against the Rector, does not mean that the Rector is suspended from his office pending the outcome of the investigation, as the EC(C) is of the opinion that there is no risk of interference from the Rector's side in the investigation.
 - 1.7 That Council will communicate again on the investigation, once Judge Fourie's report has been considered by Council

CHRONOLOGY OF EVENTS SURROUNDING JUSTICE CAMERON'S NOMINATION AS SU'S CHANCELLOR

1. **2 Jul 19 (09:43am):**
The Rector's PA asks Cameron J's registrar in writing for his mobile number, as the Rector wants to get in touch with Cameron J.
2. **Week of 16 Jul 19:**
The Rector phones Cameron J to request whether he would accept a nomination as a candidate for the position of chancellor.
3. **2 Aug 19 (1:28pm):**
Cameron J informs the Rector in writing that he cannot accept a nomination as a candidate for the position of chancellor.
4. **8 Aug 19:**
The CC hearing of Gelyke Kanse's ("GK") appeal against the judgment of the Western Cape High Court.
5. **10 Aug 19 (11:28):**
The Rector informs Cameron J in writing about his disappointment that Cameron J has declined the nomination for the position of chancellor. He furthermore informs Cameron J that he has just finished hiking the Fish river canyon.
6. **10 Aug 19 (13:26):**
Cameron J responds to the Rector's earlier email by stating that he has also walked the canyon before.
7. **19 Aug 19 (18:08):**
Adv Meiring informs Cameron J in writing that Cameron J would be a good choice for the position of chancellor.
8. **21 Aug 19 (13:26):**
Cameron J informs the Rector in writing that he was approached by members of the Faculty of Law, adv Meiring, Michiel le Roux, Chris Otto and Edwin Hertzog. He states that he is reconsidering the nomination, but that they would have to get an indication from adv Heunis SC.
9. **21 Aug 19 (15:53):**
"Kanseliersgroepie" whatsapp group discussion (group members: Michiel le Roux (administrator) / Chris Otto / Edwin Hertzog / Wim de Villiers / George Steyn)
10. **26 Aug 19:**
The Rector calls adv Heunis to ask whether he would agree to Cameron J being nominated as a candidate for the position of chancellor.

11. **26 Aug 19:**
Adv Heunis calls adv Muller SC to inform him about the call he received from the Rector regarding Cameron J being nominated for the position of chancellor.
12. **27 Aug 19 (10:55):**
West & Rossouw Attorneys ("WR") informs Cluver Markotter Attorneys ("CM") in writing that the Rector and other unidentified persons (who may or may not be attached to SU) have contacted adv Heunis SC regarding the nominations for chancellor candidates. WR describes the Rector's approach as "utterly inappropriate and irresponsible" and asks for particulars of the persons who approached Cameron J, what was said to him and the outcome.
13. **29 Aug 19 (09:59am):**
Adv Heunis writes to Cameron J saying Gelyke Kanse and the other parties he represents will not object should Cameron J accept a nomination as a candidate for the position of chancellor.
14. **29 Aug 19 (4:30pm):**
The Rector sends adv Heunis SC's letter to adv Meiring.
15. **29 Aug 19 (17:20):**
Adv Meiring sends an email received from the Rector to Cameron J regarding adv Heunis's letter to the CC.
16. **29 Aug 19 (17:29):**
Cameron J expresses his appreciation to adv Meiring for the letter he wrote to him on 19 Aug 19.
17. **30 Aug 19 (07:42):**
Cameron J writes an email to the Rector informing him that he had become available to accept a nomination for the position of chancellor. He furthermore asks the Rector whether they could meet on 12 Sep 19 in Stellenbosch.
18. **30 Aug 19 (09:02):**
The Rector expresses his appreciation in an email to Cameron J for the fact that Cameron J had become available for the nomination in writing. He furthermore informs Cameron J that he would be abroad on 12 Sep 19 and that they could meet on 17 Sep 19 in Johannesburg.
19. **2 Sep 19 (12:43):**
The CC sends a letter upon Cameron J's request to the parties to invite them to examine and consider –

"(i) the email correspondence between Justice Cameron and the Rector of the University, Professor de Villiers, and between Justice Cameron and a member of its Council, Adv Jean Meiring, and

(ii) the names of the persons who approached Justice Cameron, which will be furnished on request."

20. **3 Sep 19 (9:22am):**
WR informs the CC that they take notice of the content of the CC's letter dd 2 Sep 19.
21. **4 Sep 19 (9:00):**
CM acknowledges receipt of the CC's letter dd 2 Sep 19.
22. **4 Sep 19 (12:00):**
The nominations for candidates for the position of chancellor close.
23. **17 Sep 19:**
Cameron J and the Rector meet at the InterContinental Hotel at OR Tambo Airport.
24. **25 Sep 19:**
An electoral college comprising members of the SU's Council, members of the executive committee of Senate as well as the president and vice-president of the SU's Convocation gather to elect the new chancellor.
25. **10 Oct 19:**
CC delivers judgment in GK's appeal
26. **11 Oct 19 (09:14):**
WR requests the CC in writing to provide to it the information offered by the CC on 2 Sep 19.
27. **11 Oct 19 (10:10):**
The CC Registrar forwards WR's letter to Cameron J.
28. **11 Oct 19 (10:41):**
Cameron J's Registrar acknowledges receipt of WR's letter.
29. **11 Oct 19 (11:22):**
The CC Registrar sends to WR the email trail regarding their earlier letter.
30. **14 Oct 19 (8:22):**
Cameron J requests the CC Registrar to respond to WR's request of 11 Oct 19 by 11:00 on the same day, saying: "With reference to your letter dated 11 October 2019, I have been instructed to indicate that Gelyke Kanse is not now, after judgment has been delivered, entitled to the information that the Court made available to it before judgment (*Bernert v ABSA Bank*). I have been asked to refer you to the University for any further enquiries".

31. **14 Oct 19 (8:25):**
Cameron J requests SU's Registrar to send the information requested by WR on 11 Oct 19 to WR and adv Heunis SC.
32. **14 Oct 19 (11:01):**
The CC informs WR in writing that the parties are not entitled to the information offered by the CC on 2 Sep 19. This letter is verbatim what Cameron J wrote at 8.22.
33. **14 Oct 19 (11:06):**
The CC Registrar sends the letter sent to WR at 11:01 to Cameron J.
34. **14 Oct 19 (11:27):**
Cameron J sends the letter sent by the Registrar to WR at 11:01 to SU's Registrar, under cover of an email saying although WR is no longer entitled to the information, she should nevertheless send it for the sake of peace and as a goodwill gesture.
35. **14 Oct 19 (2:27pm):**
WR rejects in writing the CC's refusal for the information requested and repeats its request for the information offered by the CC on 2 Sep 19.
36. **15 Oct 19 (11:48):**
SU's Registrar informs Cameron J that, upon the advice of SU's attorneys, she has not yet sent the requested information to WR. She says she has been advised to await the final outcome of WR's exchange of letters with the CC; and, further, that she is of the opinion that SU it is advisable get permission from the persons involved in the correspondence (the Rector and Adv Meiring) and to the others named in the correspondence before releasing it.
37. **15 Oct 19 (16:01):**
Cameron J motivates to SU's Registrar in writing why he is of the view that she should send the requested information to WR.
38. **15 Oct 19 (17:28):**
The Rector requests SU's Registrar to adhere to Cameron J's request as soon as possible.
39. **16 Oct 19 (2:35pm):**
SU's Registrar sends to WR and adv Heunis SC the information that WR requested from the CC on 11 Oct 19.
40. **18 Oct 19 (01:01pm):**
WR writes to the Chief Justice, referring to the information received from SU's Registrar on 16 Oct 19, about the interactions between Cameron J and the Rector and Adv Meiring and the Rector regarding Cameron J's nomination as a candidate for the position of

chancellor. After summarising some of those interactions the letter says they evidence "irregular and inappropriate conduct on the part of the Judge who wrote the Court's judgment in the Gelyke Kanse matter (not to speak of a litigant himself) the outcome of which is now irrevocably tainted". The letter concludes with a request that the CJ "give an indication of what you intend to do about it at your earliest convenience".

41. **18 Oct 19 (1:18pm):**
The CC's Registrar forwards WR's correspondence to the Chief Justice's Registrar.
42. **23 Oct 19 (3:02pm):**
WR enquires from the CC by when a response from the Chief Justice may be expected.
43. **24 Oct 19:**
The Rector responds in the media about the interaction between him and Cameron J, denying any irregularities.
44. **24 Oct 19 (15:05)**
Dr Leon Schreiber sends SU's Registrar a request that SU urgently launch an independent investigation into the allegations in the public domain that the Rector interfered irregularly, unethically and possibly unlawfully in the court case between SU and GK.

Kok, Wildre [wkok@sun.ac.za]

From: Edwin Cameron <cameron.edwin@gmail.com>
Sent: Wednesday, 21 August 2019 13:16
To: De Villiers, WJS, Prof [wimdv@sun.ac.za]
Subject: Re: Wim de Villiers: Kanselierskap

Beste Wim

Voor en na hierdie skrywes is ek ook genader deur lede van die Regsfakulteit, en deur Jean Meiring, Michiel le Roux en Chris Otto. Vanoggend het Edwin Hertzog ook gebel en geboodskap.

Ek dink weer. En het met my lewensgenoot Nhlanhla gesels.

Vanoggend het ek vir Michiel gesê dat as onontbeerlike voorvereiste ons van Jan Heunis 'n aanduiding sou moes lê, nie noodwendig van steun nie, maar ten minste nie van teensetting nie. Hy werk daaraan.

Ons het tot 4 September.

Met mooi wense

Edwin

On Sat, 10 Aug 2019 at 13:26, Edwin Cameron <cameron.edwin@gmail.com> wrote:

Baie dankie, Wim; en hartlik geluk met die Visrivier-afgrond! Ek het dit in 2007 gestap en dit was een van die mees uitmergelende (jou woord is die enigste) in my lewe - maar, soos jy ook se, highly rewarding (meesal in retrospek).

Tot ons weer saamwerk, waarna ek uitsien, als wat mooi en goed is.

Edwin

On Sat, 10 Aug 2019 at 11:28, De Villiers, WJS, Prof [wimdv@sun.ac.za] <wimdv@sun.ac.za> wrote:

Beste Edwin

Baie dankie vir jou skrywe en verskoning vir die vertraagde antwoord. Ek het gister teruggekeer van 'n nogal uitdagende en uitmergelende dog pragtige staptog in die Visrivier Canyon om my 60ste lewensjaar mee af te sluit...alles heeltemal die moeite en inspanning werd.

Ek is uiteraard teleurgesteld oor jou en die Kanselierskap maar verstaan jou posisie heeltemal; ek is tog bly dat jy dit deeglik oorweeg en deurdink het.

Wees verseker van my volgehoue ondersteuning vir 'n toekomstige verbintenis met die Universiteit Stellenbosch wanneer die tydsberekening meer gepas is.

Met groot waardering

Wim

Sent from my iPad

> On Aug 2, 2019, at 1:28 PM, Edwin Cameron <cameron.edwin@gmail.com> wrote:

>

> Goeie dag, Wim

> Ek hoop dat jy en jou gade 'n heuglike reis na Italië en elders geniet het, en veral dat die Europese hittegolf slegs die somerprag vir julle verskerp het.

> Sedert ons gesprek twee weke terug het dit ongelukkig vir my onteenseglik duidelik geword dat enige moontlikheid om die Kanselierskap te oorweeg tans prakties nie denkbaar is nie.

> Ek sit juis omring van die dokumentasie in die saak wat ons volgende week aanhoor, en, watter kant toe ook, sal my posisie in die beregting daarvan hopeloos gekompromiteer word sou ek die nominasie aanvaar. Eweneens sou my posisie as genomineerde waarskynlik onder gebillikte bevraagtekening kmo terwyl die saak nog hangende is.

> Dit spyt my dat ons aangrypende bespreking van die identiteits- en ander issues wat op die Kanselierskap betrekking het op hierdie bot wyse moet eindig, maar ek sien nie enige realistiese wyse waarop ons die gesprek kan voortsit nie.

- > Dit behoef nie beklemtoning dat ek geërd en ook aangedaan is om genader te gewees het.
- > Met mooi wense
- > Edwin

[<http://cdn.sun.ac.za/100/ProductionFooter.jpg>] <<http://www.sun.ac.za/english/about-us/strategic-documents>>

The integrity and confidentiality of this email are governed by these terms.

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WHATSAPP GROEP BESPREKING

Groeplede: Michiel le Roux (administrateur) / Chris Otto / Edwin Hertzog / Wim de Villiers / George Steyn

- 8/21/19, 15:53 - Kanseliersgroepie: Messages to this group are now secured with end-to-end encryption.
- 8/21/19, 15:53 - Michiel le Roux created group "Kanseliersgroepie"
- 8/21/19, 15:53 - Michiel le Roux added you
- 8/21/19, 15:55 - Michiel le Roux: Edwin Hertzog het vanoggend vir Wim de Villiers gevra of hy kan help om 'n goeie kanselier te kry. Ons raak bietjie baie, vandaar hierdie groepie.
- 8/21/19, 15:57 - Michiel le Roux: Edwin Hertzog het intussen met Edwin Cameron gepraat en ons staan by 'n probleem waarby ons nie kan verby kom nie: Edwin Cameron wil nie staan as Jan Heunis nie geken is nie. Ons is almal bang dat Jan Heunis so vetoreg sal gebruik om Edwin Cameron te veto. Edwin Hertzog het 'n uitstekende voorstel vir 'n bemiddelaar: Koos Bekker. Ek vra dus nou vir Wim en Chris: kan ek maar vir Koos vra om vir Jan Heunis te vra of ons vir Edwin Cameron mag vra om kanselier te word?
- 8/21/19, 16:03 - Chris Otto: Ja, asb. Slim plan.
- 8/21/19, 17:59 - Wim de Villiers: Uitstekend!
- 2019/08/22, 10:18 - Messages to this group are now secured with end-to-end encryption. Tap for more info.
- 2019/08/21, 15:53 - **Michiel le Roux** created group "Kanseliersgroepie"
- 2019/08/22, 10:18 - Michiel le Roux added you
- 2019/08/22, 10:19 - Michiel le Roux: Ek het vir George ook op ons groepie gesit.
- 2019/08/22, 10:19 - Michiel le Roux: Ek het pas met Koos Bekker gesels. Hy is positief oor Edwin, is bang daar is inderdaad 'n konflik van belange. Hy gaan nou met Edwin praat.
- 2019/08/22, 10:20 - Michiel le Roux: Weet iemand of Edwin Cameron by die uitspraak van die Gelyke Kanse saak betrokke gaan wees? Of is hy nou klaar en uit?
- 2019/08/22, 10:23 - **Chris Otto**: Weet nie. Hy het gehoor, maar ek vermoed hy is uit. Het reeds sy laaste uitspraak gelewer.
- 2019/08/22, 10:24 - Michiel le Roux: Sou so dink.

- 2019/08/22, 10:36 - **Edwin Hertzog**: Nee, hy het my laat verstaan dat hy nog wel betrokke daarmee is. Maar laat Koos met hom praat.
- 2019/08/22, 12:36 - **Wim De Villiers**: Edwin C. is wel nog betrokke by die skryf van die uitspraak (3-6 maande vanaf 8 Aug). Soos ek verstaan vereis hy dat albei partye instem, nie noodwendig ondersteun nie, tot sy nominasie. Die Universiteit is uiteraard OK daarmee; Jan Heunis-hulle sal seën moet gee...
- 2019/08/22, 12:46 - Chris Otto: Dan sal Koos mooi moet verduidelik.
- 2019/08/25, 12:52 - Chris Otto: Kan/moet ons Andreas ook inspan? Groete.
- 2019/08/25, 12:57 - Wim De Villiers: Ook baie goeie idee.
- 2019/08/25, 14:18 - Michiel le Roux: Wim, is dit moontlik om die aanstel van die kanselier uit te stel totdat die hofsak afgehandel is.
- 2019/08/25, 14:18 - Michiel le Roux: Ek het nie weer van Koos gehoor nie.
- 2019/08/25, 14:35 - Wim De Villiers: Uitsel gaan ongelukkig nie werk nie...
- 2019/08/25, 18:42 - Michiel le Roux: Ons moet vir Jan Heunis vra. Vraag is: wie gaan vir Andreas van Wyk vra dit te doen.
- 2019/08/25, 18:43 - Michiel le Roux: Niel Krige?
- 2019/08/25, 18:44 - Michiel le Roux: Niel vra vir Andreas om vir Heunis te vra?
- 2019/08/25, 18:46 - Edwin Hertzog: Het Koos Bekker dus "ge-duck"?
- Niel is n goeie voorstel, maar is Max Loubser of Gerhard Lubbe nie dalk ook kandidate nie?
- 2019/08/25, 18:47 - Michiel le Roux: Weet nie van Max nie. Gerhard het sy brûe gebrand met die taalbulle.
- 2019/08/25, 18:52 - Michiel le Roux: Ek weet nie wat Koos gedoen het nie. Sy gevoel was Edwin Cameron sal 'n uitstekende kanselier wees, maar hy, Koos, sien self 'n konflik as Edwin nog betrokke is by 'n uitspraak oor Stellenbosch Universiteit. (Ek miskien ook; nie 'n onbillike siening nie.) Hy het gesê hy bel Koos, ons het nie afgespreek dat hy terugbel nie.
- 2019/08/25, 18:54 - Michiel le Roux: Die feit is: ons wil vir Edwin Cameron hê. Hy's beskikbaar as Jan Heunis gemaklik is. Iemand moet vir Jan vra.

- 2019/08/25, 18:57 - Chris Otto: Michiel, Jy's daar en Andreas sal na jou en Niel luister. As Koos nie kan/wil nie, is dit al antwoord. Ongelukkig sal jy eers by Koos moet seker maak. Sterkte.
- 2019/08/25, 19:02 - Edwin Hertzog: As die verkeerde persoon vir Jan vra gaan hy beslis dwars draai ... heel moontlik ook in elk geval.
- Niel mag dalk vir Edwin C nie as die ideale kandidaat sien nie. Wim sal ook kan oordeel.
- Moet ek dalk vir my suster Erna vra om vir Andreas te vra? Hulle het baie jare saamgewerk op die Jan Marais trustfonds. Ek dink sy sal graag vir Edwin C steun. Of Wim: kan jy dalk self met Andreas praat?
- Is daar ander kandidate?
- 4 Sept. is gevaarlik naby!
- 2019/08/25, 19:08 - Michiel le Roux: A, ja. Erna vir Andreas vir Jan. Maar plan B is nodig.
- 2019/08/25, 19:11 - Edwin Hertzog: Goed, ek vra vir Erna.
- 2019/08/25, 19:12 - Chris Otto: Ek stem saam. Niel sal vir EC ondersteun, onthou van Wilenhof! Laat Erna spring. Dis natuurlik te sê as Koos nie reageer nie. Groete.
- 2019/08/25, 19:13 - Wim De Villiers: Steun voorstel van Erna...
- 2019/08/25, 19:15 - Michiel le Roux: Nee, ek wil nie vir Koos vra nie. As dit gewerk het, sou ons weet. Ek aanvaar dit het nie gewerk nie en ons maak 'n ander plan.
- 2019/08/25, 19:23 - Edwin Hertzog: Ek het met Erna gepraat en interessante inligting gekry waaroor ek eers vir Michiel gaan bel.
- 2019/08/25, 19:38 - Edwin Hertzog: Wim gaan more vir Jan bel. As dit nie werk nie het hulle gelukkig al ook aan enkele ander kandidate gedink. Hy sal laat weet.
- 2019/08/25, 19:38 - Michiel le Roux: Uitstekend. Dankie Wim.
- 2019/08/25, 19:39 - Chris Otto: Sterkte Wim.
- 2019/08/26, 05:58 - Chris Otto: Wim, Moet ons al praat van plan B? Nicky N-K sal seker ook wil nadink. Sy bly vir my die beste alternatief. Groete.
- 2019/08/26, 08:13 - Wim De Villiers: Eh hou julle op hoogte...Nicola Smit weet van haar en ondersteun

- 2019/08/26, 10:51 - Wim De Villiers: Het met Jan Heunis gepraat. Hy sê sy groep het ook aan EC gedink en was bekommerd oor moontlike konflik van belange - hy sal oorleg pleeg en na my terugkom so vinnig moontlik. Wim
- 2019/08/26, 11:38 - Chris Otto: Dankie, hou duim vas. Groete.
- 2019/08/28, 12:48 - Edwin Hertzog: Dit kwel my dat die Heunis groep dalk opsetlik lank gaan neem om met n antwoord terug te kom na Wim ... wat tot gevolg mag hê dat verdere kandidate wat deur ons op n laat stadium genader word, mag voel hulle is duidelik "terugval of desperate" kandidate. Hulle mag dus dan nie geneë wees om te staan nie. Dit sal natuurlik die deur oop los vir die Heunis kandidaat. Enige nuus?
- 2019/08/28, 13:15 - Wim De Villiers: Sal later vanmiddag meer definitiewe nuus van Heunis kry. Ander opdatering: Ruda Landman is alreeds genomineer en Lesetja Kyanyago is in die proses...
- 2019/08/28, 13:19 - Chris Otto: Ek is nie 'n RL fan nie. Was te naby aan die PW Botha-regime. Behalwe vir Nicky is Erna H 'n veel beter kandidaat. Sterkte.
- 2019/08/28, 13:33 - Edwin Hertzog: My mening (vir wat dit mag beteken) is dat Ruda nie n "swaargewig" genoeg kandidaat is nie en moet Lesetja nie eerder so onafhanklik as moontlik bly om politieke aanvalle te vermy nie? Weet nie wie Erna H is nie. Groete
- 2019/08/28, 13:34 - Chris Otto: Stem. Ok dan, Meaker! Groete.
- 2019/08/28, 13:36 - Edwin Hertzog: Nee, ek glo regtig nie dat sy as n kandidaat beskou wil word nie.
- 2019/08/28, 13:57 - Michiel le Roux: Letsetja is 'n swaargewig. Dis nie 'n politiek posisie nie.
- 2019/08/28, 13:59 - Edwin Hertzog: Goed om te hoor, dankie.
- 2019/08/28, 14:26 - Chris Otto: Ek stem met Michiel. As JH ons bedonner, dan Letsetja. Heelwat gravitas. Groete.
- 2019/08/28, 16:54 - Michiel le Roux: Hierdie groepie is gestig om Wim te help om Edwin Cameron te oorreed om homself verkiesbaar te stel. As dit by ander kandidate kom, is ons natuurlik ten beste adviseurs. Maar ek sou hou van Letsetja.
- 2019/08/28, 16:54 - Chris Otto: Stem.
- 2019/08/28, 18:33 - Wim De Villiers: EC sage lyk of dit na 'n positiewe kant toe vorder...ain't over till the fat lady sings...sal opdateer so spoedig moontlik.
- 2019/08/28, 18:34 - Chris Otto: Hou duim vas!

- 2019/08/28, 18:35 - Edwin Hertzog: Goeie nuus dankiel
- 2019/08/29, 16:25 - Michiel le Roux: Koos het gebel. Hy het laas week baie vergaderings gehad, maar het uiteindelik vir Edwin Cameron gebel. Nie gesê hy is gevra nie, en dis vir hom belangrik dat EC nooit moet weet hy is gevra nie. Alles hierop is mos in elk geval vertroulik. Die gesprek het by die kanselierskap uitgekom, en EC het sy probleem verduidelik. Koos het toe vir Heunis gebel. Dié sê hy is reeds gebel en bevestig hulle is gelukkig met EC as kanselier.
- 2019/08/29, 16:29 - Edwin Hertzog: Mooi skoot!
- 2019/08/29, 16:53 - Chris Otto: Fantasties, welgedaan groepie! Groete.
- 2019/08/29, 16:55 - Chris Otto: Ek neem aan Wim praat nou met E. Dan moet ons seker die papiere uitsorteer. Ek's vanaf So beskikbaar om te help. Groete.
- 2019/08/29, 17:07 - Wim De Villiers: 👍👏
- 2019/08/29, 17:30 - Michiel le Roux: Wim, is daar 'n voorsteller en sekondante vir 'n kanselierspos? KB sal graag as sekondant vir EC wil optree.
- 2019/08/29, 17:32 - Chris Otto: Ek verstaan 20 sekondante. Ons sal seker almal betrek wil word. Goed om van Koos se positiewe bydrae te hoor. Groete.
- 2019/08/29, 17:33 - Wim De Villiers: Ek vra Jean Meiring in Jhb om te koördineer. Hy weet van wye en spesifiek KB se belangstelling.
- 2019/08/29, 17:34 - Chris Otto: Mooi. Jean verdien ook ons dank want hy was die eerste ou wat EC probeer oortuig het.
- 2019/08/29, 18:15 - Michiel le Roux: Pas op, net nou dink hulle daar's 'n mafia wat die goed besluit.
- 2019/08/29, 18:18 - Chris Otto: Jy sal seker weet, synde een van die lede aldus die boek! Groete.
- 2019/08/29, 18:31 - Edwin Hertzog: Ja ... en daar moet dalk ook ruimte onder die 20 sekondante gelaat word vir enkele Gelyke Kanse voorlopers.
- 2019/08/30, 18:15 - Wim De Villiers: Ek stuur vir julle die nominasievorm - verskaf asb e-posadresse - scan terug na my (wimdv@sun.ac.za) - sodra 20 stuur ons aan na EC vir sy ondertekening.

- 2019/09/03, 09:19 - Michiel le Roux: Hendrik du Toit se naam is aan my genoem as 'n moontlike kanselierskandidaat. Dis nou nie meer nodig nie, maar hy kan 'n goeie raadslid wees.
- 2019/09/03, 09:22 - Michiel le Roux: Hy sit natuurlik in Engeland en sal nie baie vergaderings kan bywoon nie.
- 2019/09/03, 09:23 - Chris Otto: Hy het baie hooi op sy vurk, maar as hy tyd het, stem ek saam. Hy is mos nou ook 'n Britse burger. Groete.
- 2019/09/25, 17:28 - Chris Otto: Edwin verkies! Groete.
- 2019/09/25, 18:22 - Wim De Villiers: 👍👏
- 2019/09/25, 18:53 - Edwin Hertzog: Bly om te hoor!
- 2019/09/25, 19:20 - Wim De Villiers: 👍👏👏

Lorinda van Niekerk

From: Danie Rossouw <daniel@attorneyswr.co.za>
Sent: Tuesday, August 27, 2019 10:55 AM
To: Lorinda van Niekerk
Cc: Nalanie de Villiers; Danie Rossouw; Lynn Hanger
Subject: Gelyke Kanse / US
Attachments: Letter to Cluver Markotter 27.8.19.pdf
Importance: High

Beste Lorinda

Vind aangeheg 'n brief vir jou dringende aandag.
Soos blyk uit die inhoud van die brief, sal ek baie bly wees indien jy so gou moontlik kan antwoord.

Vriendelike groete

33 Longboat Road, Chi Ou Hoopseweg, Sunnydale, Noordhoek
Cape Town, South Africa
P.O. Box 2135 Sun Valley 7985
Tel: +27 21 785 2277 | Fax: +27 21 785 5310 | Direct Fax: 0872373318
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ATTORNEYS WEST AND ROSSOUW

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ATTORNEYS NOTARIES CONVEYANCERS
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ATTORNEYS WEST & ROSSOUW

Our ref/Ons verw : DJR/lh/D1431
 Your ref/ U verw : UNI 0562/LNK/ndv
 Date/ Datum : 27 August, 2019

Cluver Markotter Inc
 Email: lorindan@cm.law.za
 cc: nalanie@cluvermarkotter.law

By E-Mail

Dear Sirs

RE: GELYKE KANSE AND OTHERS / UNIVERSITY OF STELLENBOSCH AND OTHERS (CASE NO. 1750/2016) / CC CASE NUMBER 311/2017

1. This serves to inform you that during the course of the morning of Monday, 26 August 2019, Prof Wim de Villiers, the Rector of the Stellenbosch University ("SU"), and the First Respondent in the abovementioned matter, called Adv Jan Heunis SC seemingly to ask him to cause Mr Christo van der Rheede, who had been nominated by members of the SU Convocation as a candidate for the position of Chancellor, to withdraw as a candidate and, by so doing, contributing to secure the unopposed election to that position of Constitutional Court Judge Edwin Cameron.
2. We do not propose to recount the entire conversation for purposes hereof, but will do so if you consider it necessary.
3. For present purposes, we would like to bring to your attention the fact that during this conversation -
 - 3.1 Adv Heunis told the Rector that the alumni who initiated the nomination of Mr Van der Rheede originally wanted to nominate Justice Cameron themselves, but decided against it because he is a member of the Court which has reserved judgment in the abovementioned matter;
 - 3.2 it transpired that the Rector had discussed his nomination as a candidate for the position of Chancellor of the SU with Justice Cameron on a number of occasions during the past two weeks;
 - 3.3 Justice Cameron was said to have responded by saying that he was greatly honoured by the proposal; and

- 3.4 other, unidentified persons, who may or may not be attached to the SU, similarly spoke to Justice Cameron about the matter.
4. Shortly after the conversation Adv Heunis told Adv Jeremy Muller SC what had transpired.
 5. We hasten to assure you that we do not think for a moment that the aforementioned conversations with Justice Cameron were conducted with your approval or even your knowledge. We have no doubt that you will share our view that it was utterly inappropriate and irresponsible for the Rector, and any other SU employees or office-bearers, to have approached Justice Cameron as they did and that the fact that this was done may have particularly serious implications for the administration of justice in this matter.
 6. We know too little of what actually transpired to know whether something should be done about this matter or not.
 7. We would therefore greatly appreciate it if you would inform us at your earliest convenience - the Rector told Adv Heunis that time was of the essence - exactly who were involved in approaching Justice Cameron, what was said to him, when the conversations took place and what the outcome of the various conversations was. Furthermore, we would appreciate being informed what, if anything, you propose should be done about the matter. It may, for example, be necessary for the two lead counsel to request a meeting with the Chief Justice and, thereafter, also one with Justice Cameron.
 8. To the extent that we may fairly be called upon so to do, we shall use our best endeavours to resolve this matter in line with what the public interest and the requirements of justice and fairness demand.
 9. We await your reply.

Yours faithfully
ATTORNEYS WEST & ROSSOUW



D J ROSSOUW

Lorinda van Niekerk

From: Suite 1204 Advocates <1204adv@capebar.co.za>
Sent: Thursday, August 29, 2019 10:34 AM
To: Lorinda van Niekerk
Subject: FW: Urgent letter to Justice Cameron
Attachments: doc01076920190829100206.pdf

FYI

From: Jan Heunis [mailto:heunisjc@law.co.za]
Sent: Thursday, 29 August 2019 09:59 AM
To: emoloto@concourt.org.za
Cc: 'Suite 1204 Advocates' <1204adv@capebar.co.za>
Subject: Urgent letter to Justice Cameron

Dear Ms Moloto,

Please be so kind as to hand the attached letter to Justice Cameron and confirm that you have done so. It is quite urgent and important, thank you.

Kind regards, Jan Heunis

ADV. J C HEUNIS S.C.**BA LLB LLM (Cum Laude) LLD**

HUGUENOTE KAMERS 1007
KONINGIN VICTORIA STRAAT 40
KAAPSTAD
8001

Telefoon: (021) 423-1792
Telefaks: (021) 426-1825

E-pos: heunisjc@law.co.za

1007 HUGUENOT CHAMBERS
40 QUEEN VICTORIA STREET
CAPE TOWN
8001

Telephone: (021) 423-1792
Telefax: (021) 426-1825

E-mail: heunisjc@law.co.za

29 August 2019

Justice E Cameron
Judge of the Constitutional Court of the Republic of South Africa
Constitution Hill
1 Hospital Street
BRAAMFONTEIN

e-mail: emoloto@concourt.org.za

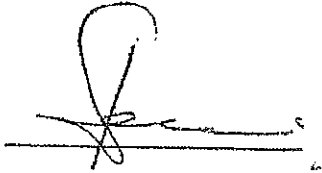
Dear Judge Cameron

**RE: NOMINATION AS CANDIDATE FOR THE POSITION OF CHANCELLOR OF
STELLENBOSCH UNIVERSITY**

1. Adv Jeremy Muller SC, lead counsel for the Respondents in the matter of Gelyke Kanse and Others v Chairman of the Senate of Stellenbosch University and Others in which the Constitutional Court has reserved judgment and who has knowledge of the facts and content of this letter to you, has requested me to indicate to you whether there would be an objection from the Appellants in the aforementioned matter if you were to be nominated as a candidate for the position of Chancellor of Stellenbosch University.
2. It so happens that a number of alumni who have links with Gelyke Kanse themselves considered nominating you as a candidate for that position but, in the final analysis, decided against it because we concluded that it would not be appropriate to approach you in that regard in view of the fact that you are a member of the Court who is seized of the matter involving Gelyke Kanse, on the one hand, and the University, on the other.
3. Be that as it may, this serves to inform you that there will be no objection from the parties which I represent in that case to your acceptance of a nomination as a

candidate for the position of Chancellor of Stellenbosch University.

Yours sincerely

A handwritten signature in black ink, featuring a large, stylized loop at the top and a horizontal line extending to the right, ending in a small flourish.

Jan Heunis S.C.

Neesa Pietersen

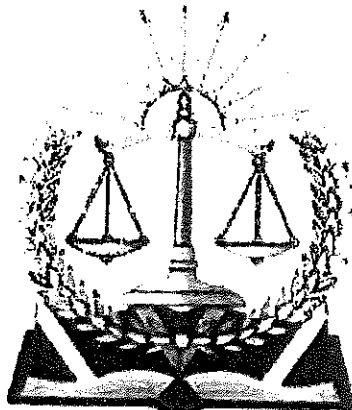
From: Kgwadi Makgaka <Makgaka@concourt.org.za>
Sent: Monday, 02 September 2019 12:43
To: Danie Rossouw; info@ttorneysw.co.za; pbodlo@wylie.co.za; lkotze@wylie.co.za; Neesa Pietersen; info@moodleroberston.co.za
Subject: CCT 311-17 Gelyke Kanse v Stellenbosch University letter to the parties
Attachments: letter dated 2019-09-02.pdf

Dear All

Kindly find attached herewith the letter in the above-mentioned matter.

Kind regards

Kgwadi Makgaka
Registrar of the Constitutional Court



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL COURT OF SA
1 Hospital Street
Braamfontein
2017

TEL: (011) 359 7460
FAX: 0864955410
EMAIL: makgaka@concourt.org.za
PRIVATE BAG X1
BRAAMFONTEIN
2107



CONSTITUTIONAL COURT OF SOUTH AFRICA

02 September 2019

TO: WEST & ROSSOUW ATTORNEYS

Attorney for the Applicants

33 Longboat Street

Noordhoek

CAPE TOWN

Tel: 021 785 2277

Email: danie@attorneyswr.co.za / info@attorneyswr.co.za

Ref: DJR/DI334

c/o SHEPSTONE & WYLIE ATTORNEYS

Ground Floor, The Lodge

38 Wierda Road West

Sandton

JOHANNESBURG

Tel: 011 290 2540

Fax: 011 783 1301

Email: pbodlo@wylie.co.za / lkotze@wylie.co.za

AND TO: CLUVER MARKOTTER INC

Attorney for the Respondents

First Floor, Cluver Markotter Building

Mill Street

STELLENBOSCH

Tel: 021 808 5652/ 021 808 5600 / 082 8799 246

Fax: 021 886 5420

Email: lorindan@cm.law.za

Ref: UNI/0651

c/o MOODIE & ROBERTSON ATTORNEYS

12th Floor, Libridge Building, East Wing

25 Amerhoff Street

Braamfontein

JOHANNESBURG

Tel: 011 628 8600

Fax: 011 403 1946

**Email: darthur@moodierobertson.co.za / neesa@moodierobertson.co.za /
info@moodierobertson.co.za**

Ref: D Arthur/np/C307566

Dear Sirs/Mesdames

**CCT 311/17: GELYKE KANSE V CHAIRMAN OF THE UNIVERSITY OF
STELLENBOSCH AND OTHERS**

Justice Cameron has asked that the following be drawn to the parties' attention:

- 1. While the litigation was pending and before the hearing on 8 August 2019, he was approached by various persons to accept nomination as Chancellor of the University, which he declined because of the pending litigation and other reasons.**
- 2. The approaches continued and, after the hearing, he indicated that he might reconsider subject to an indication from Gelyke Kanse and its Senior Counsel, Dr Jan Heunis, SC, that there would be no objection.**
- 3. Dr Heunis so indicated on behalf of Gelyke Kanse by letter dated Thursday 29 August 2019.**
- 4. Arising from paras 1 and 2, the parties are invited to examine and consider -**
 - (i) the email correspondence between Justice Cameron and the Rector of the University, Professor de Villiers, and between Justice Cameron and a member of its Council, Adv Jean Meiring, and**
 - (ii) the names of the persons who approached Justice Cameron, which will be furnished on request.**

Yours faithfully

Manganga
MR KGWADI MAKGAKGA
REGISTRAR
CONSTITUTIONAL COURT

REGISTRAR OF THE CONSTITUTIONAL COURT
OF SOUTH AFRICA

Private Bar 11 Constitution Hill, Johannesburg 2001



2019-09-02



LL-005

GRIFTER VAN DIE GRONDWETLIKE HOF
SUID-AFRIKA

From: Danie Rossouw

Sent: Tuesday, September 3, 2019 9:22 AM

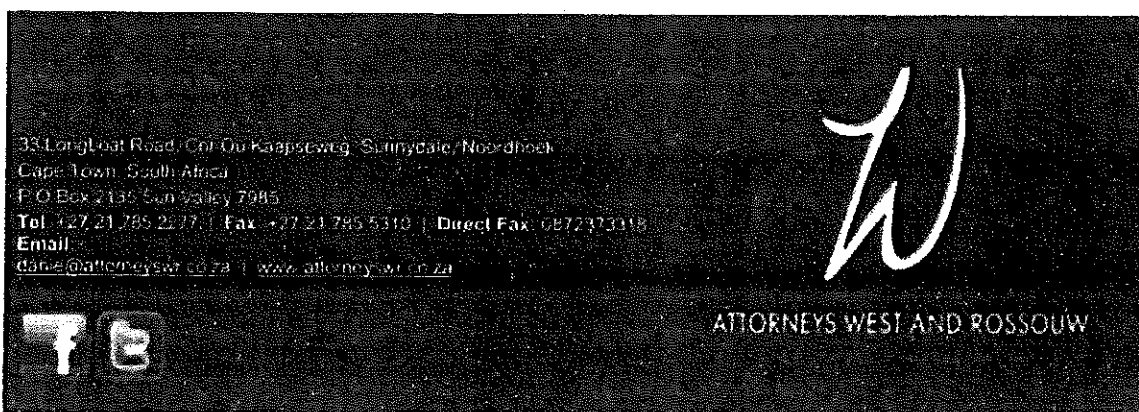
To: Kgwadi Makgaka <Makgaka@concourt.org.za>; info@ttorneyswr.co.za; pbodlo@wylie.co.za; lkotze@wylie.co.za; Neesa Pietersen <darthur@moodierobertson.co.za>; info@moodieroberston.co.za

Subject: RE: CCT 311-17 Gelyke Kanse v Stellenbosch University - letter to the parties

Dear Mr Makgaka

We acknowledge receipt of your letter of yesterday, the content whereof is noted.

Kind regards



Disclaimer: This email is for the attention of the addressees only. Should you receive this in error, please destroy immediately and do not disclose to any unauthorised person or make use of the information contained in this email in any way.

From: Kgwadi Makgaka <Makgaka@concourt.org.za>

Sent: Monday, September 2, 2019 12:43 PM

To: Danie Rossouw <daniel@attorneyswr.co.za>; info@ttorneyswr.co.za; pbodlo@wylie.co.za; lkotze@wylie.co.za; Neesa Pietersen <darthur@moodierobertson.co.za>; info@moodieroberston.co.za

Subject: CCT 311-17 Gelyke Kanse v Stellenbosch University - letter to the parties

Dear All

Kindly find attached herewith the letter in the above-mentioned matter

Kind regards

Kgwadi Makgaka

Registrar of the Constitutional Court

OFFICE OF THE CHIEF JUSTICE

REPUBLIC OF SOUTH AFRICA

Lorinda van Niekerk

From: Lorinda van Niekerk
Sent: Wednesday, September 4, 2019 9:00 AM
To: Makgakga@concourt.org.za
Cc: daniel@attorneysw.co.za; Lynn Hanger; Nalanie de Villiers
Subject: FW: CCT 311-17 Gelyke Kanse v Stellenbosch University - letter to the parties

Tracking: Recipient Read
 Makgakga@concourt.org.za
 daniel@attorneysw.co.za
 Lynn Hanger
 Nalanie de Villiers
 Read: 04/09/2019 10:12 AM

Dear Mr Makgakga

On behalf of Stellenbosch University I hereby acknowledge receipt and take notice of the content of your letter dated 2 September 2019.

I kindly request that you include my secretary and me in future in all your email correspondence addressed to the parties in this matter. My email address is lorindan@cluvermarkotter.law and my secretary's is nalaniev@cluvermarkotter.law

Yours faithfully

LORINDA VAN NIEKERK

Director | Direkteur

1st Floor | 1ste Vloer | Cluver Markotter Building
 Cluver Markottergebou | Mill Street | Meulstraat
 Stellenbosch | 7600

P.O. Box 12 | Posbus 12 | Stellenbosch | 7599

T (+27) 21 808 5652 C (+27) (+27) 82 879 9246
 F (+27) 21 886 5420 W www.cluvermarkotter.law

**CLUVER
MARKOTTER**

From: Danie Rossouw

Sent: Tuesday, September 3, 2019 9:22 AM

To: Kgwadi Makgakga <Makgakga@concourt.org.za>; info@attorneysw.co.za; pbodlo@wylie.co.za; kotze@wylie.co.za; Neesa Pietersen <darthur@moodierobertson.co.za>; info@moodierobertson.co.za

Subject: RE: CCT 311-17 Gelyke Kanse v Stellenbosch University - letter to the parties

Dear Mr Makgaka

We acknowledge receipt of your letter of yesterday, the content whereof is noted.

Kind regards

Lorinda van Niekerk

From: Lynn Hanger <lynnh@attorneyswr.co.za>
Sent: Friday, October 11, 2019 9:14 AM
To: Kgwadi Makgaka
Cc: Nalanle de Villiers; Lorinda van Niekerk; Danie Rossouw
Subject: {Disarmed} GELYKE KANSE AND 8 OTHERS VS THE CHAIRPERSON OF THE SENATE OF F STELLENBOSCH UNIVERSITY AND OTHERS
Attachments: Letter to Registrar Concourt 11.10.19.pdf
Importance: High

Dear Sir


Please see attached correspondence.


Kind regards,

Personal Assistant to Mr Danie Rossouw

33 Longboat Road, Oni Ou Kaapseweg, Sunnyside, Noordhoek
 Cape Town, South Africa
 P.O.Box 2135, San Valey 7985
 Tel: +27 21 785 5277 | Fax: +27 21 785 5310 | Direct Fax: 0872 373321
 Email: lynnh@attorneyswr.co.za

www.attorneyswr.co.za

 ATTORNEYS WEST AND ROSSOUW



Disclaimer: This email is for the attention of the addressees only. Should you receive this in error, please destroy immediately and do not disclose to any unauthorised person or make use of the information contained in this email in any way.

ATTORNEYS NOTARIES CONVEYANCERS
 23 Longwood Road, Durbanville, Cape Town, 7801
 Cape Town, South Africa
 P.O. Box 2135, Durbanville, 7801
 Tel: +27 21 765 4277 | Fax: +27 21 765 4278 | Direct Fax: +27 21 765 4279
 Email: info@attorneyswest.co.za | www.attorneyswest.co.za

ATTORNEYS WEST & ROSSOUW

Our ref/Ons verw : DJR/h/D1431

Your ref/ U verw :

Date/ Datum : 11 October 2019

Mr Kgwadi Makgakga
 Registrar of the Constitutional Court
 Email: makgakga@concourt.org.za

By E-Mail

Dear Mr Makgakga

RE: **GELYKE KANSE AND OTHERS / UNIVERSITY OF STELLENBOSCH AND OTHERS (CASE NO. 1750/2016) / CC CASE NUMBER 311/2017**

We refer to your letter to the parties dated 2 September 2019 and hereby request to be provided with copies of –

- a) the email correspondence between Justice Cameron and the Rector of the University, Professor De Villiers, and between Justice Cameron and a member of the Council of the University, Advocate Jean Meiring; and
 - b) the names of the persons who approached Justice Cameron,
- as a matter of urgency.

We await your response.

Yours faithfully
ATTORNEYS WEST & ROSSOUW

D J ROSSOUW

CC: Ms Lorinda van Niekerk [Ref: UNI 0562/LNK/ndv]
 Cluver Markotter Inc
lorindan@cm.law.za / nalanie@cluvermarkotter.law

Lorinda van Niekerk

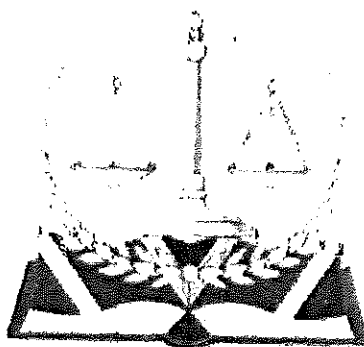
From: Kgwadi Makgaka <Makgaka@concourt.org.za>
Sent: Friday, October 11, 2019 11:22 AM
To: Lynn Hanger
Cc: Nalanie de Villiers; Lorinda van Niekerk; Danie Rossouw
Subject: (Disarmed) RE: GELYKE KANSE AND 8 OTHERS VS THE CHAIRPERSON OF THE SENATE OF F STELLENBOSCH UNIVERSITY AND OTHERS

Dear Ms Hanger

Kindly see the email trail below for your kind information.

Kind regards

Kgwadi Makgaka
 Registrar of the Constitutional Court



OFFICE OF THE CHIEF JUSTICE
 REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL COURT OF SA
 1 Hospital Street
 Braamfontein
 2017

TEL: (011) 359 7460
 FAX: 0864955410
 EMAIL: makgaka@concourt.org.za
 PRIVATE BAG X1
 BRAAMFONTEIN
 2107

From: Elizabeth Moloto <emoloto@concourt.org.za>
Sent: 11 October 2019 10:41 AM
To: Kgwadi Makgaka <Makgaka@concourt.org.za>
Subject: RE: GELYKE KANSE AND 8 OTHERS VS THE CHAIRPERSON OF THE SENATE OF F STELLENBOSCH UNIVERSITY AND OTHERS

Dear Mr Makgaka,

Noted! Thank you.

Regards

Elizabeth Moloto

From: Kgwadi Makgaka <Makgaka@concourt.org.za>

Sent: Friday, 11 October 2019 10:10

To: Elizabeth Moloto <emoloto@concourt.org.za>

Subject: FW: GELYKE KANSE AND 8 OTHERS VS THE CHAIRPERSON OF THE SENATE OF F STELLENBOSCH UNIVERSITY AND OTHERS

Importance: High

Dear Ms Moloto

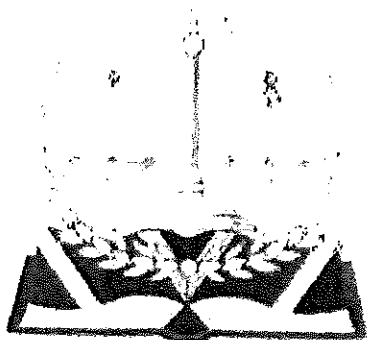
I hope this email finds you well.

Kindly see the below email for the kind attention of Justice Cameron.

Kind regards

Kgwadi Makgaka

Registrar of the Constitutional Court



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL COURT OF SA
1 Hospital Street
Braamfontein
2017

TEL: (011) 359 7460

FAX: 0864955410

EMAIL: makgaka@concourt.org.za

PRIVATE BAG X1

BRAAMFONTEIN

2107

From: Lynn Hanger <lynnh@attorneysw.co.za>

Sent: 11 October 2019 09:14 AM

To: Kgwadi Makgaka <Makgaka@concourt.org.za>

Cc: Nalanie de Villiers <nalaniev@cluvermarkotter.law>; Lorinda van Niekerk <lorindan@cluvermarkotter.law>;

Danie Rossouw <daniel@attorneysw.co.za>

Subject: GELYKE KANSE AND 8 OTHERS VS THE CHAIRPERSON OF THE SENATE OF F STELLENBOSCH UNIVERSITY AND

OTHERS

Importance: High

Dear Sir



Please see attached correspondence.


Kind regards,

Personal Assistant to Mr Danie Rossouw

33 Longboat Road, Clif Du Kaapseweg, Sunnydale, Noordhoek,
Cape Town, South Africa
P.O. Box 2135, Sun Valley 7935
Tel: +27 21 785 2277 | Fax: +27 21 785 5316 | Direct Fax: 0872373321
Email: lyndie@attorneysw.co.za

www.attorneysw.co.za


ATTORNEYS WEST AND ROSSOUW

Disclaimer: This email is for the attention of the addressees only. Should you receive this in error, please destroy immediately and do not disclose to any unauthorised person or make use of the information contained in this email in any way.

Swart, Hanlie [jer@sun.ac.za]

From: Edwin Cameron <cameron.edwin@gmail.com>
Sent: Monday, 14 October 2019 08:25
To: Retief, Ronel [ronelretief@sun.ac.za]
Subject: Brief aan Gelyke Kanse se prokureur en Dr Jan Heunis, SC
Attachments: Rektor~EC email correspondence.docx

Goeie more, Ronel

Kan jy asseblief soos volg 'n epos stuur vir Gelyke Kanse se prokureur, Mnr Danie Rossouw, asook Dr Jan Heunis, SC?

Geagte Mnr Rossouw en Dr Heunis

Op versoek van Regter Cameron stuur ek die aangehegte inligting aan soos Vrydag versoek in Mnr Rossouw se brief aan die Griffier van die Konstitusionele Hof.

Met dank edm

...

Dankie!
Edwin

Epos-korrespondensie tussen die Rektor, Professor Wim de Villiers, en Regter Cameron September 2019:

From: Kok, Wildre [wkok@sun.ac.za] [mailto:wkok@sun.ac.za]

Sent: 02 July 2019 09:43 AM

To: Elizabeth Moloto

Subject: Contact details for Edwin Cameron

Importance: High

Dear Elizabeth

Prof De Villiers would like to get in touch with Justice Cameron. Could you please provide me with his mobile number?

Vriendelike groete / Kind regards

Wildré Kok (Ms/Me)

Edwin Cameron <cameron.edwin@gmail.com>

Fri, 2 Aug, 13:28 – Kanselierskap

Goeie dag, Wim

Ek hoop dat jy en jou gade 'n heuglike reis na Italië en elders geniet het, en veral dat die Europese hittegolf slegs die somerprag vir julle verskerp het.

Sedert ons gesprek twee weke terug het dit ongelukkig vir my onteenseglik duidelik geword dat enige moontlikheid om die Kanselierskap te oorweeg tans prakties nie denkbaar is nie.

Ek sit juis omring van die dokumentasie in die saak wat ons volgende week aanhoor, en, watter kant toe ook, sal my posisie in die beregting daarvan hopeloos gekompromiteer word sou ek die nominasie aanvaar. Eweneens sou my posisie as genomineerde waarskynlik onder gebillikte bevraagtekening kmo terwyl die saak nog hangende is.

Dit spyt my dat ons aangrypende bespreking van die identiteits- en ander issues wat op die Kanselierskap betrekking het op hierdie bot wyse moet eindig, maar ek sien nie enige realistiese wyse waarop ons die gesprek kan voortsit nie.

Dit behoef nie beklemtoning dat ek geërd en ook aangedaan is om genader te gewees het.

Met mooi wense

Edwin

De Villiers, WJS, Prof [wimdv@sun.ac.za] <wimdv@sun.ac.za>

Sat, 10 Aug, 11:28

Beste Edwin

Baie dankie vir jou skrywe en verskoning vir die vertraagde antwoord. Ek het gister teruggekeer van 'n nogal uitdagende en uitmergelende dog pragtige staptog in die Visriviër Canyon om my 60ste lewensjaar mee af te sluit...alles heeltemal die moeite en inspanning werd.

Ek is uiteraard teleurgesteld oor jou en die Kanselierskap maar verstaan jou posisie heeltemal; ek is tog bly dat jy dit deeglik oorweeg en deurdink het.

Wees verseker van my volgehoue ondersteuning vir 'n toekomstige verbintenis met die Universiteit Stellenbosch wanneer die tydsberekening meer gepas is.

Met groot waardering

Wim

Jean Meiring <jjmeiring@group621.co.za>

Attachments

Thu, 29 Aug, 17:20

Dear Edwin,

I trust you're very well and feeling aptly light and responsibility-free. We'll see one another on Saturday.

Please find enclosed a missive from Wim de Villiers with an attached letter from Jan Heunis SC.

All best wishes,

Jean

JJ Meiring

Advocates Group 621

Rex Welsh House

Sandown Village

Cnr Maude Street & Gwen Lane

SANDTON

Tel: +27 11 263 9000

Fax: +27 11 263 9090

Cell: 0721158962

Begin forwarded message:

From: "De Villiers, WJS, Prof [wimdv@sun.ac.za]" <wimdv@sun.ac.za>

Subject: Wim de Villiers: Urgent letter to Justice Cameron

Date: 29 August 2019 at 4:30:40 PM SAST

To: Jean Meiring <jjmeiring@group621.co.za>

Cc: "Retief, Ronel [ronelretief@sun.ac.za]" <ronelretief@sun.ac.za>

Beste Jean

Sien asb die aangehegde brief van Jan Heunis aan Edwin Cameron – ek glo dit gee die groen lig vir die nominasieproses soos bespreek.

Ek vra hiermee ook vir Ronel om aan jou die besonderhede van die nominasievorm ens. te stuur. Ek sluit ook die webskakel in.

<http://www.sun.ac.za/english/management/Pages/Nominations-for-Chancellor.aspx>

Vriendelike groete en ek hoor graag weer van jou.

Wim

Prof Wim de Villiers

Rector & Visekanselier | Rector & Vice-Chancellor

e: wimdv@sun.ac.za | t: +27 21 808 4490 | a: Admin B, Victoriastraat | Victoria Street

From: Jan Heunis [mailto:heunisjc@law.co.za]

Sent: Thursday, 29 August 2019 09:59 AM

To: emoloto@concourt.org.za

Cc: 'Suite 1204 Advocates' <1204adv@capebar.co.za>

Subject: Urgent letter to Justice Cameron

Dear Ms Moloto,

Please be so kind as to hand the attached letter to Justice Cameron and confirm that you have done so. It is quite urgent and important, thank you.

Kind regards, Jan Heunis

Edwin Cameron <cameron.edwin@gmail.com>

Fri, 30 Aug, 07:42 Beskikbaarheid

Beste Wim

In die lig van die positiewe verwikkelinge is ek nou wel beskikbaar vir nominasie, en bedank ek jou en andere vir die vertroue wat julle in my plaas en vir die geleentheid wat sou kon kom.

Donderdagmiddag 12 September is ek vlugtig op Stellenbosch om 'n uitstalling te open by julle galery.

Sou jy dalk beskikbaar wees vir 'n halfuur as ek inloer?

Mooi wense

Edwin

De Villiers, WJS, Prof [wimdv@sun.ac.za] <wimdv@sun.ac.za>

Fri, 30 Aug, 09:02

Beste Edwin

Hierdie is fantastiese nuus vir die instelling as 'n geheel, maar natuurlik ook vir my persoonlik!

Ek weet dat Jean Meiring besig is met die "nuts and bolts" van die nominasieproses om alles reg te kry teen die sluitingsdatum (4 Sept om 12:00).

Ek vertrek Dinsdag na Europa vir besoeke aan universiteite, stigtings, donors en alumni en sal ongelukkig eers die 16de September terugkeer - ek het wel 'n USAf-vergadering die 17de by OR Tambo-lughawe en kan dan ontmoet vir middagete. Ek hoor graag van jou.

Mooi wense

Wim

Persons who approached Justice Cameron to accept nomination as Chancellor:

1. The Rector, Professor de Villiers
 2. Professor Marius de Waal, Faculty of Law
 3. Adv Jean Meiring
 4. Mr Chris Otto
 5. Mr Michiel le Roux
 6. Mr Koos Bekker
-

Email correspondence from Adv Jean Meiring:

Jean Meiring <jeanmeiring@gmail.com>

Mon, 19 Aug, 18:08 Stellenbosch

Dear Edwin,

It was a pleasure, as ever, to see you and Nhlanhla on Friday evening. It was a delightful party and very Kameel. I believe Hans' memorial gathering was well-attended and rich.

Edwin, I write reluctantly since I do not want to burden you with more onerous decisions at a time when you are no doubt thinking about doing things that are important to you and that you might have neglected because of your heavy load at the CC. Yet, in light of the green light you gave me on Friday and in light of the importance I attach to the matter of SU's new chancellor, I'm taking the plunge.

In short, I believe that you would be a transformative chancellor -- [reference to incumbent Chancellor redacted].

Why do I say transformative?

I say so since - even before we met at All Souls through the intercession of Hannes van Zyl - you were a lodestar to me. You didn't know me yet. You didn't see me in the audience at the SU/UCT Law Intervarsity in, I think, my final year (1996), when you and Zackie Achmat addressed the theme of LGBT rights and the law. I was there as an earnest lawyer; certainly not as a young gay man, something I was by no means prepared to admit to myself. The gathering and your presence left an indelible mark on me. That, I know, sounds fatuous, but the oppressiveness of Stellenbosch at the time (or the only reading of it my lack of courage allowed me) was overwhelming.

While I was at Oxford and just about out of the closet, you came out as HIV+. It was an alarming event for me. HIV was my greatest fear. Although I was relatively well-informed, the most vivid images available to me of what I certainly perceived as a plague were Huisgenoot pictures of an ailing Rock Hudson and, later, Freddy Mercury.

These small vignettes of how I perceived you, initially from afar, and the impact that you had on me in my own quiet little struggle I posit as an emblem of the impact that you and your story has had on many, many other South Africans and countless people further afield. Whether by design or by chance, while you are a white man of a certain generation, your life - most importantly your living with HIV - is not that of a typical South African (white) man. You are a bridge to others who are living with HIV. In a way, I might add, that few others could. I mention this simply because you would in no sense be "just another white man" stepping into the role of chancellor.

And, of course, implicit in all this is that you are an outspoken queer person of huge eloquence and courage. While race and the struggle around racism in our country cannot be minimized, one needs only look at what is happening in, for example, London, where queer people are being brazenly and cruelly targeted on the streets and on buses to grasp that the struggle for queer liberation is far from won; in South Africa, there is still so much to be done.

Of course, there are also your stellar academic, lawyerly and judicial careers, upon which what I describe above are grafted. Yet, I choose purposely to emphasize what I have above. That is not to minimize all the many other attributes that you would bring to bear on this role. But I do think that this aspect is something that no-one else can bring to the role. Certainly, no other chancellor in South Africa does this or could do this.

These are but a few of the most important *tenets* of Edwin Cameron that, in my view, make you stand head-and-shoulders above any other potential candidates for chancellor. With you, there comes a transgressiveness that ought to be at the heart of an university, especially of one with the history of SU. You bring a frisson of change, of unpredictability, of challenging the status quo (ante?).

I could go on much longer - were it not for my appeal tomorrow. In short, however, I think it would be a devastating loss to SU, especially at these difficult crossroads, to lose out on an Edwin Cameron chancellorship. At base, I have in mind how you, with your habitual uber-dedication, remarkable skill at communicating across ravines of misunderstanding and, frankly, chutzpah would assist enormously in our efforts to bring about some sort of desperate alchemy at SU, against considerable odds.

Yes, there is some drama here, although, I'd venture no real hyberbole. But, in a sense, that is the point. A chancellor, a good one, at any rate, will bring a bit of drama to an Institution like SU.

I repeat that I could say much more. Yet, I believe you get my drift, so to speak.

I trust your valedictory court session tomorrow will be memorable and gratifying.

With deep admiration,

Jean

Edwin Cameron <cameron.edwin@gmail.com>

Thu, 29 Aug, 17:29

Dear Jean

Thank you for the intensity and urgency and deeply personal feeling with which you wrote.

Receiving this letter, after your personal injunction to me on the Friday evening not to close my decision, has been pivotal to the events that have followed.

With great respect and fond appreciation.

Lorinda van Niekerk

From: Dunisani Mathiba <mathiba@concourt.org.za>
Sent: Monday, October 14, 2019 11:01 AM
To: lynn@attorneysw.co.za; danie@attorneysw.co.za; pbodlo@wylie.co.za
Cc: Lorinda van Niekerk; Nalanie de Villiers; darthur@moodierobertson.co.za; neesa@moodierobertson.co.za; Kgwadi Makgakga; GeneralOffice
Subject: [Letter] CCT 311/17 Gelyke Kanse v University of Stellenbosch
Attachments: CCT 311-17 Gelyke Kanse and Others v Calrperson of The Senate of The University of Stellenbosch.pdf

Dear Sir / Madam

Kindly find attached a letter for your attention

Regards
Dunisani Mathiba



Constitutional Court of South Africa
Private Bag x1, Braamfontein, 2017
Tel (switchboard): (+27) 11 359 7400
Tel (direct): (+27) 11 359 7592
Email: Mathiba@concourt.org.za
Website: www.constitutionalcourt.org.za



CONSTITUTIONAL COURT OF SOUTH AFRICA

14 October 2019

TO: WEST & ROSSOUW
 Attorneys for the Applicants
 33 Longboat Street
 Noordhoek
CAPE TOWN
 Tel: 021 785 2277
 Email: lynnh@attorneyswr.co.za / danie@attorneyswr.co.za
 Ref: DJR/D1334
c/o SHEPSTONE & WYLIE
 Ground Floor, The Lodge
 38 Wierda Road West
 Sandton
JOHANNESBURG
 Tel: 011 290 2540
 Email: pbodlo@wylie.co.za

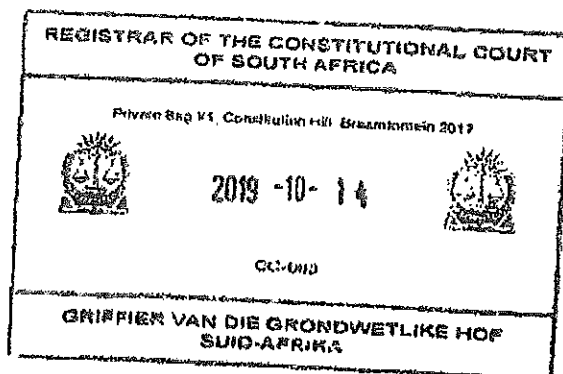
Dear Sir/ Madam

**CCT 311/17 GELYKE KANSE AND OTHERS V CHAIRPERSON OF THE
 SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS**

With reference to your letter dated 11 October 2019, I have been instructed to indicate that Gelyke Kanse is not now, after judgment has been delivered, entitled to the information that the Court made available to it before judgment (*Bernert v ABSA Bank*). I have been asked to refer you to the University for any further inquiries.

Yours faithfully

PP 
MR KGWADI MAKGAKGA



**REGISTRAR
CONSTITUTIONAL COURT**

AND TO: CLUVER MARKOTTER INC

Attorneys for the Respondents

First Floor, Cluver Markotter Building

Mill Street

STELLENBOSCH

Tel: 021 808 5652

Fax: 021 886 5420

Email: lorindan@cluvermarkotter.law / nalaniev@cluvermarkotter.law

Ref: UNI/0651

c/o MOODIE & ROBERTSON ATTORNEYS

12th Floor, Libridge Building (East Wing)

25 Ameshoff Street

Braamfontein

JOHANNESBURG

Tel: 011 628 8600 / 011 403 5171

Fax: 011 403 1946 / 011 403 5662

Email: darthur@moodierobertson.co.za / neesa@moodierobertson.co.za

Lorinda van Niekerk

From: Lynn Hanger <lynnh@attorneysw.co.za>
Sent: Monday, October 14, 2019 2:27 PM
To: Kgwadi Makgakga
Cc: Nalanie de Villiers; Lorinda van Niekerk; Danie Rossouw
Subject: {Disarmed} CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS
Attachments: Letter to Registrar 14 Oct 2019.pdf
Importance: High

Dear Sirs


Please see attached correspondence.


Kind regards,

Personal Assistant to Mr Danie Rossouw

32 Longboat Road, Oor Ou Kaapseweg, Suburysdale, Noordhoek
Cape Town, South Africa
P.O. Box 2135, Sun Valley 7985
Tel: +27 21 765 2277 / Fax: +27 21 765 5310 / Direct Fax: 0672 37 3371
Email: lynnh@attorneysw.co.za

www.attorneysw.co.za

 ATTORNEYS WEST AND ROSSOUW



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ATTORNEYS, NOTARIES, CONVEYANCERS
 43 Longwood Road, Gardens, Cape Town, 7941
 P.O. Box 115, Gardens, Cape Town, 7941
 Tel: +27 (0) 21 794 1111 Fax: +27 (0) 21 794 1112 Direct Fax: +27 (0) 21 794 1113
 Email: info@westandrosouw.co.za www.westandrosouw.co.za



ATTORNEYS WEST & ROSOUW

Our ref/Ons verw : DJR/lh/D1431

Your ref/ U verw :

Date/ Datum : 14 October 2019

Mr Kgwadi Makgakga
 Registrar of the Constitutional Court
 Email: makgakga@concourt.org.za

By E-Mail

Dear Mr Makgakga

RE: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS

1. We refer to our letter of 11 October 2019 in which we requested to be provided with copies of –

1.1 the email correspondence between Justice Cameron and the Rector of the University, Professor De Villiers, and between Justice Cameron and a member of the Council of the University, Advocate Jean Meiring; and

1.2 the names of the persons who approached Justice Cameron,

in respect of which you informed us in your letter of 14 October 2019 that you had been instructed (by whom you don't say) that Gelyke Kanse was not now, after judgment had been delivered, entitled to the information that the Court had made available to it before judgment, in which regard you referred us to the judgment in Bernert v Absa Bank Ltd 2011 (3) SA 92 (CC).

2. We respectfully bring the following to your attention:

2.1 Since Gelyke Kanse has not accused any judge of bias, cannot appeal against the judgment on any basis whatsoever and does not intend bringing an application for it to be reviewed and set aside, Bernert v Absa Bank Ltd does not apply to our request.

2.2 It is not so that the Court made the information referred to available to us.

2.3 In this regard we point out that your letter of 2 September 2019, which is open-ended, conveyed that Justice Cameron, not the Court, had asked that it

be drawn to the parties' attention that they are invited to examine and consider -

2.3.1 the e-mail correspondence between him and the Rector of the University of the University, Prof de Villiers, and between him and a member of its Council, Adv Jean Meiring; and

2.3.2 the names of the persons who approached Justice Cameron which would be furnished on request.

2.4 Your aforesaid letter does not mention any cut-off date and certainly not that the parties would become disentitled to the information offered therein after judgment had been delivered.

3. In the premises we hereby reiterate, as a matter of urgency, our request of 11 October 2019, to be provided with the relevant copies and information.

4. We await your response.

Yours faithfully
ATTORNEYS WEST & ROSSOUW



D J ROSSOUW

CC: Ms Lorinda van Nlekerk [Ref: UNI 0562/LNK/ndv]
Cluver Markotter Inc
lorindan@cm.law.za / nalanie@cluvermarkotter.law

Swart, Hanlie [jer@sun.ac.za]

From: Edwin Cameron <cameron.edwin@gmail.com>
Sent: Tuesday, 15 October 2019 16:01
To: Retief, Ronel [ronelretief@sun.ac.za]
Subject: Re: briefwisseling tussen GELYKE KANSE en Konstitusionele Hof

Goeie middag Ronel - so pas in die Kaap aangekom na 'n vergadering by die lughawe met Nicola Smit en Richard Stevens van die regs fakulteit, en letwat ontstem deur die na my mening swak advies wat jy van die prokureurs ontvang het:

1. Soos jy self opmerk, is daar "inderwaarheid niks om weg te steek nie".
2. Die doel van GK se versoek is natuurlik om te probeer moles maak.
3. Die weerhouding van die getenderde korrespondensie kan hulle net in hierdie doel sterk; die Universiteit kan GK se moles-oogmerk ten beste teenstaan deur met waardigheid en gulhartigheid op te tree.
4. GK gaan net kop stamp deur verder met die Hof te korrespondeer - hulle moes die korrespondensie vroeër aangevra het, toe dit op 2 September aan hulle aangebied is, *alvorens* uitspraak gelewer is.
5. Weerhouding daarvan terwyl hulle vassit met die Hof het geen waardige doel of nut nie en kan net wrywing en misverstand in die hand werk.
6. GK is 'n belangrike komponent van die Universiteit en wat hulle spel of speletjie ook mag wees verdien hulle om met welwillendheid en respek behandel te word; die Universiteit moet lig loop om nie in hulle speletjie betrokke raak nie.
7. Hoekom vrystel? Ten eerste, dit Hof het dit op 2 September, heeltemal tereg, getender, na GK aangedui het dat hulle nie my kandidatuur as Kanselier sou teenstaan nie. Die feit dat GK die aanbod nie opgeneem het nie skep 'n regsprobleem vir hulle, sonder om hulle morele aanspraak om die korrespondensie te sien in te kort. Ten tweede is daar niks in die uitruil van eposse tussen my en die Rektor wat skadelik of ongemaklik is nie; al was daar sou ons dieselfde moes doen. Ten derde, ek het natuurlik Jean Meiring geken hieroor, eers in September, en toe weer verlede week. Hy het geen beswaar teen die vrystelling van sy brief aan my nie (trouens met die opmerking oor die huidige Kanselier inkluis - die uithaal daarvan was my eie idee Maandagoggend). Ten vierde kan ek my nie indink dat die Rektor beswaar sal maak teen die beskikbaarstelling nie. (Vra hom tog.) Ten laaste was ek meer as tien jaar lank Raadsvoorsitter by Wits. My beleid was deurgaans *oop kaart*. Laat die vakbonde, dosente, studente, media soveel doenlik alles weet, alles sien. Natuurlik tree ek nie hier in daardie hoedanigheid op nie, maar die saak gaan my baie persoonlik aan, en my oortuiging is dat dieselfde benadering almal se belange ten beste sal bevorder.

Met mooi wense
 Edwin

On Tue, 15 Oct 2019 at 11:48, Retief, Ronel [ronelretief@sun.ac.za] <ronelretief@sun.ac.za> wrote:

Beste Edwin

Ek neem kennis van en respekteer jou bereidwilligheid om die inligting bekend te maak. Daar is inderwaarheid niks om weg te steek nie.

Ons prokureurs het ons gistermiddag ingelig dat Gelyke Kanse in respons op die Griffier se skrywe, weer aan die Hof geskryf het met die versoek dat die inligting wel deur die Hof beskikbaar gestel word en nie deur die US nie. Ons prokureurs stel voor dat ons op die finale uitkoms van hierdie briewewisseling wag voor ons die

5!

inligting aanstuur. Ons sou ook graag wou weet wat die doel van die versoek is en ons hoop dat dit aan die lig sal kom in die korrespondensie met die Griffier.

Wat die beskikbaarstelling van die korrespondensie betref, is ons van mening dat die Universiteit ook 'n verantwoordelikheid het teenoor die persone wat by die korrespondensie betrokke was (bv. Wim en Jean), maar ook teenoor enige ander persone wat by name genoem is. Ons meen dat dit gerade is om hul toestemming te kry, alvorens die korrespondensie aan Gelyke Kanse beskikbaar gestel word deur ons, indien ons daardie punt sou bereik waar die versoek aan die US gerig word.

Ek sou graag onmiddellik aan jou versoek uitvoering wou gee, maar die advies van ons prokureurs is dat die besproes eers sy loop neem. Ek vertrou dat jy my posisie verstaan.

Ons bly in kontak hieroor en ek hou jou op hoogte. Ek ontvang ook graag verdere leiding soos nodig mag wees.

Vriendelike groete

Ronel

Dr Ronel Retief

Registraatsafdeling | Registrar

Registraatsafdeling | Registrar's Division

ronelretief@sun.ac.za | 021 260 9200 | 021 260 9201 | 021 260 9202

From: Edwin Cameron <cameron.edwin@gmail.com>

Sent: Monday, 14 October 2019 11:27

To: Retief, Ronel [ronelretief@sun.ac.za] <ronelretief@sun.ac.za>

Subject: Vanoggend se brief van die Griffier, Konstitusionele Hof: GELYKE KANSE v CHAIRPERSON OF THE SENATE OF STELLENBOSCH UNIVERSITY

Hier is dit Ronel.

Hoewel hulle nie nou geregtig is op die inligting nie, vredesonthalwe en as welwillendheidsgebaar stuur ons dit in ieder geval.

Mooi wense

Edwin

----- Forwarded message -----

From: Cameron, Justice of CCT of South Africa <cameron@concourt.org.za>
Date: Mon, 14 Oct 2019 at 11:24
Subject: FW: GELYKE KANSE v CHAIRPERSON OF THE SENATE OF STELLENBOSCH UNIVERSITY - response from Court
To: cameron.edwin@gmail.com <cameron.edwin@gmail.com>

From: Dunisani Mathiba
Sent: Monday, October 14, 2019 11:06 AM
To: Cameron, Justice of CCT of South Africa; Kgwadi Makgaka; Judges; GeneralOffice
Cc: ECClerks
Subject: RE: GELYKE KANSE v CHAIRPERSON OF THE SENATE OF STELLENBOSCH UNIVERSITY - response from Court

Dear Justice Cameron

The attached letter was issued.

Regards

Dunisani Mathiba

From: Cameron, Justice of CCT of South Africa
Sent: Monday, 14 October 2019 8:22 AM
To: Kgwadi Makgaka <Makgaka@concourt.org.za>; Judges <Judges@concourt.org.za>; GeneralOffice <GeneralOffice@concourt.org.za>
Cc: ECClerks <ECClerks@concourt.org.za>
Subject: RE: GELYKE KANSE v CHAIRPERSON OF THE SENATE OF STELLENBOSCH UNIVERSITY - response from Court

Dear Mr Makgaka

Unless countermanded, please respond today by 11h00 as follows:

With reference to your letter dated 11 October 2019, I have been instructed to indicate that Gelyke Kanse is not now, after judgment has been delivered, entitled to the information that the Court made available to it before judgment (*Bernert v ABSA Bank*). I have been asked to refer you to the University for any further inquiries.

With thanks.
Edwin Cameron

From: Kgwadi Makgaka <Makgaka@concourt.org.za>
Sent: Friday, 11 October 2019 10:10
To: Elizabeth Moloto <emoloto@concourt.org.za>
Subject: FW: GELYKE KANSE AND 8 OTHERS VS THE CHAIRPERSON OF THE SENATE OF F
STELLENBOSCH UNIVERSITY AND OTHERS
Importance: High

Dear Ms Moloto

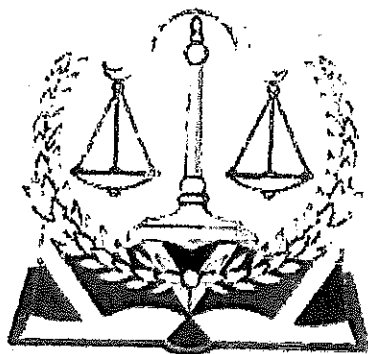
I hope this email finds you well.

Kindly see the below email for the kind attention of Justice Cameron.

Kind regards

Kgwadi Makgaka

Registrar of the Constitutional
Court



OFFICE OF THE CHIEF
JUSTICE

REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL COURT OF SA

1 Hospital Street

Braamfontein

2017

TEL: (011) 359 7460

FAX: 0864955410

EMAIL: makgaka@concourt.org.za

PRIVATE BAG X1

BRAAMFONTEIN

2107

From: Lynn Hanger <lynnh@attorneyswr.co.za>

Sent: 11 October 2019 09:14 AM

To: Kgwadi Makgaka <Makgaka@concourt.org.za>

Cc: Nalanie de Villiers <nalaniev@cluvermarkotter.law>; Lorinda van Niekerk
<lorindan@cluvermarkotter.law>; Danie Rossouw <daniel@attorneyswr.co.za>

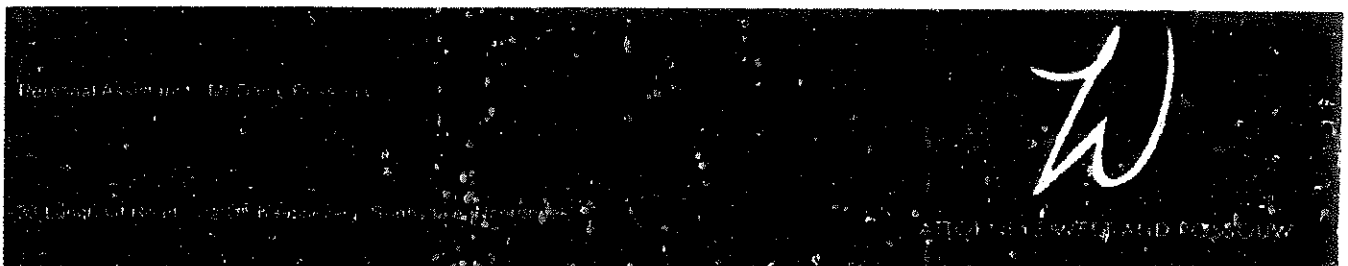
Subject: GELYKE KANSE AND 8 OTHERS VS THE CHAIRPERSON OF THE SENATE OF F
STELLENBOSCH UNIVERSITY AND OTHERS

Importance: High

Dear Sir

Please see attached correspondence.

Kind regards,



Cape Town, South Africa

P.O. Box 2135 Sun Valley 7955

Tel: +27 21 785 2277 | Fax: +27 21 785 5310 | Direct Fax: 0672371521

Email: lyndi@allbonyesw.co.za | www.allbonyesw.co.za



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VISION 2040 | VISIE 2040 | UMBONO 2040

Stellenbosch University has launched its Vision 2040 and Strategic Framework 2019-2024. Click here to find out more.



Die inhoud van hierdie e-pos is slegs bestemd vir die persoon(s) wat hierin genoem word. Indien u nie hierin genoem word nie, word u versoek om die afstuurder hiervan in kennis te stel. Indien u wel genoem word, word u versoek om die afstuurder hiervan in kennis te stel. Indien u nie hierin genoem word nie, word u versoek om die afstuurder hiervan in kennis te stel. Indien u wel genoem word, word u versoek om die afstuurder hiervan in kennis te stel.

Disclaimer

Vrywaringsklousule

From: De Villiers, WJS, Prof [wimdv@sun.ac.za] <wimdv@sun.ac.za>
Sent: Tuesday, 15 October 2019 17:28
To: Retief, Ronel [ronelretief@sun.ac.za] <ronelretief@sun.ac.za>
Subject: Re: briefwisseling tussen GELYKE KANSE en Konstitusionele Hof

Beste Ronel

Ek sien nou eers die hele briefwisseling en ook die skrywe van Edwin. Gaan asb so spoedig moontlik voort soos deur hom versoek - ek het absolutely geen probleem daarmee nie.

Vriendelike groete

Wim

Sent from my iPad

Lorinda van Niekerk

From: Danie Rossouw <daniel@attorneysw.co.za>
Sent: Friday, October 18, 2019 1:01 PM
To: Lynn Hanger; Kgwadi Makgakga
Cc: Nalanie de Villiers; Lorinda van Niekerk; Danie Rossouw
Subject: {Disarmed} RE: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS
Attachments: WestR to Chief Justice 18 Oct 2019.pdf; doc01251420191018122105.pdf
Importance: High

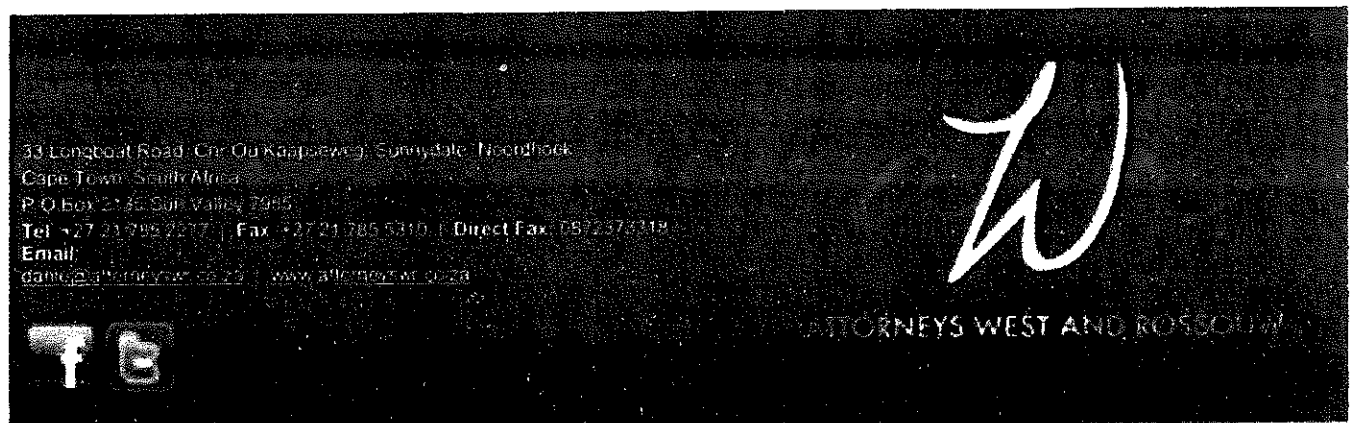
Dear Mr Makgakga

I refer to the subject matter and attach for your kind, yet urgent attention, a very important letter that we request you kindly bring to the Chief Justice's attention without delay.

We would appreciate it if you would kindly acknowledge receipt hereof and furthermore acknowledge and confirm that you have indeed ensured that the letter has been brought to the Chief Justice's attention.

We await your confirmation and response.

Kind regards



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From: Lynn Hanger <lynnh@attorneysw.co.za>
Sent: Monday, October 14, 2019 2:27 PM
To: Kgwadi Makgakga <makgakga@concourt.org.za>
Cc: Nalanie de Villiers <nalaniev@cluvermarkotter.law>; Lorinda van Niekerk <lorindan@cluvermarkotter.law>; Danie Rossouw <daniel@attorneysw.co.za>
Subject: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS
Importance: High

Dear Sirs

Please see attached correspondence.

Kind regards,

ATTORNEYS NOTARIES CONVEYANCERS

Attorneys West & Rossouw
 Cape Town Office
 P.O. Box 2735, Cape Town 8001
 Tel: +27 21 761 2222 | Fax: +27 21 761 2223 | Direct Fax: +27 21 761 2224
 Email: info@attorneyswest.co.za | www.attorneyswest.co.za



ATTORNEYS WEST & ROSSOUW

Our ref/Ons verw : DJR/lh/D1431

Your ref/ U verw :

Date/ Datum : 18 October 2019

Chief Justice M T R Mogoeng
 Constitutional Court of the Republic of South Africa
 Constitution Hill
 1 Hospital Street
 BRAAMFONTEIN

By E-Mail

Dear Chief Justice

RE: IRREGULARITIES IN RESPECT OF GELYKE KANSE AND OTHERS /
CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF
STELLENBOSCH AND OTHERS – CC CASE NO. 311/2017

1. We regrettably have to inform you of developments which have come to our attention over a period of time in connection with the abovementioned matter (*"the Gelyke Kanse matter"*) which have the potential to tarnish the Constitutional Court's image very badly indeed.
2. After more than two years the Constitutional Court finally heard the Gelyke Kanse matter on 8 August 2019. Judgment was handed down on 10 October 2019.
3. As evidenced by a copy of a letter (annexure "A" hereto) from us to the attorneys of record for Stellenbosch University ("SU") in the Gelyke Kanse matter, the Rector of the University, the First Respondent, telephoned Gelyke Kanse's lead counsel, Adv J C Heunis S.C., on 26 August 2019, to discuss with him Judge Cameron's candidacy for the position of Chancellor of the SU.
4. As also evidenced by annexure "A", Adv Heunis reported this development to the SU's lead counsel, Adv Jeremy Muller S.C., that very same morning, after which we drafted and sent annexure "A" to the SU's attorneys of record. Although, in our view, not much turns on it for present purposes, we would mention that the Rector did not tell Adv Heunis that Judge Cameron had said that if Gelyke Kanse were to approve of his candidacy for Chancellor of the SU, he would make himself available for that position. That was only conveyed to Adv Heunis by Adv Muller as evidenced by a

copy of a letter (annexure "B" hereto) addressed to Judge Cameron by Adv Heunis following approval thereof by Adv Muller. Although the aforesaid letter conveyed that there would be no objection from the Applicants to Judge Cameron's acceptance of a nomination as candidate for the position of Chancellor of the SU, the letter makes it abundantly clear that the alumni referred to in paragraph 2 decided against nominating Judge Cameron themselves because they concluded that it would not be appropriate to approach him in that regard in view of the fact that he was a member of the Court who was seized of the matter involving Gelyke Kanse, on the one hand, and the SU, on the other.

5. On the instructions of Judge Cameron, the Registrar wrote a letter to the parties' attorneys of record on 2 September 2019, a copy of which is annexure "C" hereto, and of which the operative part reads as follows:

- "1. While the litigation was pending and before the hearing on 8 August 2019, he was approached by various persons to accept nomination as Chancellor of the University, which he declined because of the pending litigation and other reasons.*
- 2. The approaches continued and, after the hearing, he indicated that he might reconsider subject to an indication from Gelyke Kanse and its Senior Counsel, Dr Jan Heunis, SC, that there would be no objection.*
- 3. Dr Heunis so indicated on behalf of Gelyke Kanse by letter dated Thursday 29 August 2019.*
- 4. Arising from paras 1 and 2, the parties are invited to examine and consider –*
 - (i) the email correspondence between Justice Cameron and the Rector of the University, Professor de Villiers, and between Justice Cameron and a member of its Council, Adv Jean Meiring, and*
 - (ii) the names of the persons who approached Justice Cameron, which will be furnished on request."*

There was no suggestion that you had seen that letter or that it had been written at the behest of the Court.

6. In the event, we only called for copies of the correspondence referred to in the aforementioned letter and the names of the persons who had approached Judge Cameron in connection with the Chancellorship, after the judgment in the Gelyke Kanse matter was handed down on 10 October 2019. In a letter to the Registrar dated 11 October 2019, a copy of which is annexure "D".

7. To our surprise the Registrar declined the request in a letter dated 14 October 2019, a copy of which is annexure "E" hereto.
8. In our response of 14 October 2019, a copy of which is annexure "F" hereto, we *inter alia* insisted on being provided with copies of the aforesaid letters and pointed out that the previous correspondence was not sent to us at the Court's behest, as the Registrar's most recent correspondence had claimed, but at Judge Cameron's behest.
9. Although we have not received a response to our letter of 14 October 2019 to the Registrar of the Constitutional Court, we did, however, receive an email dated 16 October 2019, a copy of which is annexure "G" hereto, from the Registrar of SU in which she informed that, at Judge Cameron's request, she was forwarding the information as requested in our letter of 11 October 2019 to the Registrar of the Constitutional Court.
10. We attach hereto, as annexure "H", email trails of correspondence provided to us by the Registrar of SU between, on the one hand, Prof De Villiers and Judge Cameron and, on the other, between Adv Jean Meiring (a member of the Council of SU) of which the Chairperson, in his capacity as representative of the Council, was the Second Respondent in the Gelyke Kanse matter.
11. We do not propose to repeat all the information contained in those emails and merely draw your attention to the following:
 - 11.1 On 2 July 2019 the Rector's personal assistant, Ms Wildre Kock, sent an email to Ms Elizabeth Moloto, Judge Cameron's Registrar, informing her that the Rector wanted to get in touch with Judge Cameron and requesting to be provided with his mobile number.
 - 11.2 On 2 August 2019, almost a week before the Gelyke Kanse matter was heard, Judge Cameron informed the Rector, with reference to a conversation between them of two weeks previously, that it had become clear to him that any possibility of considering the Chancellorship was not practically conceivable and that he was surrounded by documentation in the case which had to be heard the next week saying, as he did, that "*watter kant toe ook, sal my posisie in die beregting daarvan hopeloos gekompromiteer word sou ek die nominasie aanvaar*". He was also of the view that his position as nominee would probably be fairly questioned if the Gelyke Kanse matter was still pending.
 - 11.3 That the matter had been discussed in some depth between them is evident from the penultimate paragraph which reads as follows: "*Dit spyt my dat ons aangrypende bespreking van die identiteits- en ander issues wat op die*

Kanselierskap betrekking het op hierdie bot wyse moet eindig, maar ek sien nie enige realistiese wyse waarop ons die gesprek kan voortsit nie."

- 11.4 The Rector seemingly responded to Judge Cameron's email of 2 August 2019 on 10 August 2019 in which he expressed his disappointment regarding Judge Cameron and the Chancellorship but his appreciation for the fact that it had been considered thoroughly. The penultimate paragraph of that letter reads as follows: *"Wees verseker van my volgehoue ondersteuning vir 'n toekomstige verbintenis met die Universiteit Stellenbosch wanneer die tydsberekening meer gepas is."*
- 11.5 On 29 August 2019 Adv Meiring sent an email to Judge Cameron enclosing *"a missive from Wim de Villiers – with an attached letter from Jan Heunis SC"*.
- 11.6 In his email to Adv Meiring the Rector said, with reference to Adv Heunis' letter to Judge Cameron, a copy of which is annexure "B" hereto, that he believed that it gave the green light for the nomination process as discussed.
- 11.7 In an email dated 30 August 2019 Judge Cameron wrote to the Rector informing him that in the light of the positive developments he had become available for nomination and thanked him and others for the confidence they put in him and for the opportunity which could have arisen. The email concludes with a statement to the effect that Judge Cameron would be in Stellenbosch on 12 September 2019 and wanted to know whether the Rector would be available to see him for half an hour. The Rector responded by email on the same day, i.e. 30 August 2019, telling Judge Cameron that his availability for the position of Chancellor was fantastic news for the institution as a whole but also for him personally.
- 11.8 Regarding the request for a meeting in Stellenbosch on 12 September 2019, the Rector informed Judge Cameron that he was leaving for Europe the following Tuesday and that he would only be back by 16 September 2019 but would be available for a meeting with Judge Cameron on 17 September 2019 in Johannesburg.
- 11.9 On 19 August 2019 Adv Meiring wrote a letter to Judge Cameron informing him that he thought that Judge Cameron would be a transformative Chancellor and that it would be a devastating loss to SU to lose out on an Edwin Cameron Chancellorship. It is apparent from the letter that he had taken the liberty to present Judge Cameron with an earnest request to make himself available as a result of, *inter alia*, *"the green light you gave me on Friday"*.


11.10 In his response to Adv Meiring's exhortation that he should make himself available as Chancellor, Judge Cameron said the following in the second paragraph: *"Receiving this letter, after your personal injunction to me on the Friday evening not to close my decision, has been pivotal to the events that have followed."*

12. We bring these developments to your attention since there is no indication that you had any knowledge thereof and since it certainly evidences irregular and inappropriate conduct on the part of the Judge who wrote the Court's judgment in the Gelyke Kanse matter (not to speak of a litigant himself) the outcome of which is now irrevocably tainted.

13. Having brought these developments to your attention, we would be grateful to receive an indication of what you intend to do about it at your earliest convenience.

Yours faithfully

ATTORNEYS WEST & ROSSOUW



D J ROSSOUW

CC: Ms Lorinda van Niekerk [Ref: UNI 0562/LNK/ndv]
Cluver Markotter Inc
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awr
 ATTORNEYS WEST & ROSSOUW

Our ref/Ons verw : DJR/lh/D1431
 Your ref/U verw : UNI 0562/LNK/ndv
 Date/Datum : 27 August 2019

"A"

Cluver Markotter Inc

email: lorindan@cm.law.za
 cc: nalanie@cluvermarkotter.law

Dear Madam

RE: GELYKE KANSE AND OTHERS / UNIVERSITY OF STELLENBOSCH AND OTHERS (CASE NO. 1750/2016) / CC CASE NUMBER 311/2017

1. This serves to inform you that during the course of the morning of Monday, 26 August 2019, Prof Wim de Villiers, the Rector of the Stellenbosch University ("SU"), and the First Respondent in the abovementioned matter, called Adv Jan Heunis SC seemingly to ask him to cause Mr Christo van der Rheede, who had been nominated by members of the SU Convocation as a candidate for the position of Chancellor, to withdraw as a candidate and, by so doing, contributing to secure the unopposed election to that position of Constitutional Court Judge Edwin Cameron.
2. We do not propose to recount the entire conversation for purposes hereof, but will do so if you consider it necessary.
3. For present purposes, we would like to bring to your attention the fact that during this conversation -
 - 2.1 Adv Heunis told the Rector that the alumni who initiated the nomination of Mr Van der Rheede originally wanted to nominate Justice Cameron themselves, but decided against it because he is a member of the Court which has reserved judgment in the abovementioned matter;
 - 2.2 It transpired that the Rector had discussed his nomination as a candidate for the position of Chancellor of the SU with Justice Cameron on a number of occasions during the past two weeks;

Sharon Caroline West - LLB (Attorney, Notary, Conveyancer) (Cert Deceased Estates)

Consultant: Daniël Johannes Rossouw - B Proc (Cert Advanced Trust Law)

Associates: Terence Hugh Evans Marquard - B A Law (Notary, Conveyancer) and Lize Rossouw - B Proc (Conveyancer) (Cert Deceased Estates)

Professional Assistant: Jean-Luc Theron - B Soc Sci, LLB, Candidate Attorney; Louis Loock -

- 2.3 Justice Cameron was said to have responded by saying that he was greatly honoured by the proposal; and
- 2.4 other, unidentified persons, who may or may not be attached to the SU, similarly spoke to Justice Cameron about the matter.
4. Shortly after the conversation Adv Heunis told Adv Jeremy Muller SC what had transpired.
5. We hasten to assure you that we do not think for a moment that the aforementioned conversations with Justice Cameron were conducted with your approval or even your knowledge. We have no doubt that you will share our view that it was utterly inappropriate and irresponsible for the Rector, and any other SU employees or office-bearers, to have approached Justice Cameron as they did and that the fact that this was done may have particularly serious implications for the administration of justice in this matter.
6. We know too little of what actually transpired to know whether something should be done about this matter or not.
7. We would therefore greatly appreciate it if you would inform us at your earliest convenience - the Rector told Adv Heunis that time was of the essence -- exactly who were involved in approaching Justice Cameron, what was said to him, when the conversations took place and what the outcome of the various conversations was. Furthermore, we would appreciate being informed what, if anything, you propose should be done about the matter. It may, for example, be necessary for the two lead counsel to request a meeting with the Chief Justice and, thereafter, also one with Justice Cameron.
8. To the extent that we may fairly be called upon so to do, we shall use our best endeavours to resolve this matter in line with what the public interest and the requirements of justice and fairness demand.
9. We await your reply.

Yours faithfully

ATTORNEYS WEST & ROSSOUW



D J ROSSOUW

ADV. J C HEUNIS S.C.

BA LLB LLM (Cum Laude) LLD

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29 August 2019

Justice E Cameron
Judge of the Constitutional Court of the Republic of South Africa
Constitution Hill
1 Hospital Street
BRAAMFONTEIN

e-mail: emoloto@concourt.org.za

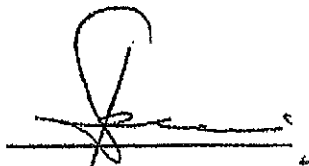
Dear Judge Cameron

**RE: NOMINATION AS CANDIDATE FOR THE POSITION OF CHANCELLOR OF
STELLENBOSCH UNIVERSITY**

1. Adv Jeremy Muller SC, lead counsel for the Respondents in the matter of Gelyke Kanse and Others v Chairman of the Senate of Stellenbosch University and Others in which the Constitutional Court has reserved judgment and who has knowledge of the facts and content of this letter to you, has requested me to indicate to you whether there would be an objection from the Appellants in the aforementioned matter if you were to be nominated as a candidate for the position of Chancellor of Stellenbosch University.
2. It so happens that a number of alumni who have links with Gelyke Kanse themselves considered nominating you as a candidate for that position but, in the final analysis, decided against it because we concluded that it would not be appropriate to approach you in that regard in view of the fact that you are a member of the Court who is seized of the matter involving Gelyke Kanse, on the one hand, and the University, on the other.
3. Be that as it may, this serves to inform you that there will be no objection from the parties which I represent in that case to your acceptance of a nomination as a

candidate for the position of Chancellor of Stellenbosch University.

Yours sincerely

A handwritten signature in black ink, featuring a large, stylized loop at the top and a horizontal line extending to the right, crossing the line below.

Jan Heunis S.C.

**CONSTITUTIONAL COURT OF SOUTH AFRICA**

02 September 2019

TO: WEST & ROSSOUW ATTORNEYS

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Noordhoek

CAPE TOWN

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Ref: DJR/D1334

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info@moodierobertson.co.za

Ref: D Arthur/np/C307566

Dear Sirs/Mesdames

**CCT 311/17: GELYKE KANSE V CHAIRMAN OF THE UNIVERSITY OF
STELLENBOSCH AND OTHERS**

Justice Cameron has asked that the following be drawn to the parties' attention:

1. While the litigation was pending and before the hearing on 8 August 2019, he was approached by various persons to accept nomination as Chancellor of the University, which he declined because of the pending litigation and other reasons.
2. The approaches continued and, after the hearing, he indicated that he might reconsider subject to an indication from Gelyke Kanse and its Senior Counsel, Dr Jan Heunis, SC, that there would be no objection.
3. Dr Heunis so indicated on behalf of Gelyke Kanse by letter dated Thursday 29 August 2019.
4. Arising from paras 1 and 2, the parties are invited to examine and consider -
 - (i) the email correspondence between Justice Cameron and the Rector of the University, Professor de Villiers, and between Justice Cameron and a member of its Council, Adv Jean Meiring, and
 - (ii) the names of the persons who approached Justice Cameron, which will be furnished on request.

Yours faithfully

Makgaka
MR KGWADI MAKGAKGA
REGISTRAR
CONSTITUTIONAL COURT

REPUBLIC OF THE CONSTITUTIONAL COURT
OF SOUTH AFRICA

Case No. 10 of 2019 (Makgaka v. Registrar of the Constitutional Court)



2019-09-02

10-000

GRIFPIER VAN DIE GRONDWETLIKE HOF
SUID-APRIKA

ATTORNEYS, NOTARIES, CONVEYANCERS
 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

ATTORNEYS WEST & ROSSOUW

Our ref/Ons verw : DJR/lhD1431

Your ref/ U verw :

Date/ Datum : 11 October 2019

"D"

Mr Kgwadi Makgakga
 Registrar of the Constitutional Court
 Email: makgakga@concourt.org.za

By E-Mail

Dear Mr Makgakga

RE: GELYKE KANSE AND OTHERS / UNIVERSITY OF STELLENBOSCH AND OTHERS (CASE NO. 1750/2016) / CC CASE NUMBER 311/2017

We refer to your letter to the parties dated 2 September 2019 and hereby request to be provided with copies of –

a) the email correspondence between Justice Cameron and the Rector of the University, Professor De Villiers, and between Justice Cameron and a member of the Council of the University, Advocate Jean Meiring; and

b) the names of the persons who approached Justice Cameron,

as a matter of urgency.

We await your response.

Yours faithfully
 ATTORNEYS WEST & ROSSOUW



D J ROSSOUW

CC: Ms Lorinda van Niekerk [Ref: UNI 0562/LNIK/ndv]
 Cluver Markotter Inc
lorindan@cm.law.za / nalanie@cluvermarkotter.law



CONSTITUTIONAL COURT OF SOUTH AFRICA

14 October 2019

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Dear Sir/ Madam

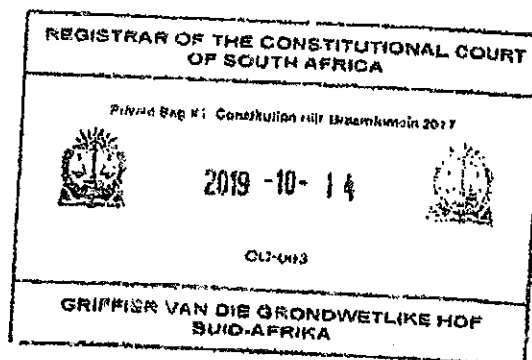
**CCT 311/17 GELYKE KANSE AND OTHERS V CHAIRPERSON OF THE
SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS**

With reference to your letter dated 11 October 2019, I have been instructed to indicate that Gelyke Kanse is not now, after judgment has been delivered, entitled to the information that the Court made available to it before judgment (*Bernert v ABSA Bank*). I have been asked to refer you to the University for any further inquiries.

Yours faithfully

PP

MR KGWADI MAKGAKGA



**REGISTRAR
CONSTITUTIONAL COURT**

AND TO: CLUVER MARKOTTER INC

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ATTORNEYS WEST & ROSSOUW

Our ref/Qns verw : DJR/lh/D1431
Your ref/ U verw :
Date/ Datum : 14 October 2019

" F "

Mr Kgwadi Makgaka
Registrar of the Constitutional Court
Email: makgaka@concourt.org.za

By E-Mail

Dear Mr Makgaka

RE: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS

1. We refer to our letter of 11 October 2019 in which we requested to be provided with copies of –

1.1 the email correspondence between Justice Cameron and the Rector of the University, Professor De Villiers, and between Justice Cameron and a member of the Council of the University, Advocate Jean Meiring; and

1.2 the names of the persons who approached Justice Cameron,

in respect of which you informed us in your letter of 14 October 2019 that you had been instructed (by whom you don't say) that Gelyke Kanse was not now, after judgment had been delivered, entitled to the information that the Court had made available to it before judgment, in which regard you referred us to the judgment in Bernert v Absa Bank Ltd 2011 (3) SA 92 (CC).

2. We respectfully bring the following to your attention:

2.1 Since Gelyke Kanse has not accused any judge of bias, cannot appeal against the judgment on any basis whatsoever and does not intend bringing an application for it to be reviewed and set aside, Bernert v Absa Bank Ltd does not apply to our request.

2.2 It is not so that the Court made the information referred to available to us.

2.3 In this regard we point out that your letter of 2 September 2019, which is open-ended, conveyed that Justice Cameron, not the Court, had asked that it

be drawn to the parties' attention that they are invited to examine and consider -

2.3.1 the e-mail correspondence between him and the Rector of the University of the University, Prof de Villiers, and between him and a member of its Council, Adv Jean Meiring; and

2.3.2 the names of the persons who approached Justice Cameron which would be furnished on request.

2.4 Your aforesaid letter does not mention any cut-off date and certainly not that the parties would become disentitled to the information offered therein after judgment had been delivered.

3. In the premises we hereby reiterate, as a matter of urgency, our request of 11 October 2019, to be provided with the relevant copies and information.

4. We await your response.

Yours faithfully
ATTORNEYS WEST & ROSSOUW



D J ROSSOUW

CC: Ms Lorinda van Niekerk [Ref: UNI 0562/LNK/ndv]
Cluver Markotter Inc
lorindan@cm.law.za / nalanie@cluvermarkotter.law

Jan Heunis

From: Retief, Ronel [ronelretief@sun.ac.za] [ronelretief@sun.ac.za]
Sent: Wednesday, October 16, 2019 2:35 PM
To: Adv Heunis SC; danie@attorneysw.co.za
Subject: Brief aan Gelyke Kanse se prokureur en Dr Jan Heunis, SC
Attachments: Rektor-EC email correspondence.pdf

"G"

Geagte Mnr Rossouw en Adv Heunis

Op versoek van Regter Cameron stuur ek die aangehegte inligting aan soos Vrydag versoek in Mnr Rossouw se brief aan die Griffier van die Konstitusionele Hof.

Vriendelike groete
Ronel Retief

Dr Ronel Retief

Registrateur | Registrar

Registrateursafdeling | Registrar's Division

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The integrity and confidentiality of this email are governed by these terms. [Disclaimer](#)
Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalinge bereel. [Vrywaringsklousule](#)

Epos-korrespondensie tussen die Rektor, Professor Wim de Villiers, en Regter Cameron September 2019:

From: Kok, Wildre [wkok@sun.ac.za] [mailto:wkok@sun.ac.za]

Sent: 02 July 2019 09:43 AM

To: Elizabeth Moloto

Subject: Contact details for Edwin Cameron

Importance: High

Dear Elizabeth

Prof De Villiers would like to get in touch with Justice Cameron. Could you please provide me with his mobile number?

Vriendelike groete / Kind regards

Wildré Kok (Ms/Me)

Edwin Cameron <cameron.edwin@gmail.com>

Fri, 2 Aug, 13:28 – Kanselierskap

Goeie dag, Wim

Ek hoop dat jy en jou gade 'n heuglike reis na Italië en elders geniet het, en veral dat die Europese hittegolf slegs die somerprag vir julle verskerp het.

Sedert ons gesprek twee weke terug het dit ongelukkig vir my onteenseglik duidelik geword dat enige moontlikheid om die Kanselierskap te oorweeg tans prakties nie denkbaar is nie.

Ek sit juis omring van die dokumentasie in die saak wat ons volgende week aanhoor, en, watter kant toe ook, sal my posisie in die beregting daarvan hopeloos gekompromiteer word sou ek die nominasie aanvaar. Eweneens sou my posisie as genomineerde waarskynlik onder gebillikte bevraagtekening kmo terwyl die saak nog hangende is.

Dit spyt my dat ons aangrypende bespreking van die identiteits- en ander issues wat op die Kanselierskap betrekking het op hierdie bot wyse moet eindig, maar ek sien nie enige realistiese wyse waarop ons die gesprek kan voortsit nie.

Dit behoef nie beklemtoning dat ek geërd en ook aangedaan is om genader te gewees het.

Met mooi wense

Edwin

De Villiers, WJS, Prof [wimdv@sun.ac.za] <wimdv@sun.ac.za>

Sat, 10 Aug, 11:28

Beste Edwin

Bale dankie vir jou skrywe en verskoning vir die vertraagde antwoord. Ek het gister teruggekeer van 'n nogal uitdagende en uitmergelende dog pragtige staptog in die Visrivier Canyon om my 60ste lewensjaar mee af te sluit...alles heeltemal die moeite en inspanning werd.

Ek is uiteraard teleurgesteld oor jou en die Kanselierskap maar verstaan jou posisie heeltemal; ek is tog bly dat jy dit deeglik oorweeg en deurdink het.

Wees verseker van my volgehoue ondersteuning vir 'n toekomstige verbinteniss met die Universiteit Stellenbosch wanneer die tydsberekening meer gepas is.

Met groot waardering

Wim

Jean Meiring <jjmeiring@group621.co.za>

Attachments

Thu, 29 Aug, 17:20

Dear Edwin,

I trust you're very well and feeling aptly light and responsibility-free. We'll see one another on Saturday.

Please find enclosed a missive from Wim de Villiers - with an attached letter from Jan Heunis SC.

All best wishes,

Jean

JJ Meiring

Advocates Group 621

Rex Welsh House

Sandown Village

Cnr Maude Street & Gwen Lane

SANDTON

Tel: +27 11 263 9000

Fax: +27 11 263 9090

Cell: 0721158962

Begin forwarded message:

From: "De Villiers, WJS, Prof [wimdv@sun.ac.za]" <wimdv@sun.ac.za>

Subject: Wim de Villiers: Urgent letter to Justice Cameron

Date: 29 August 2019 at 4:30:40 PM SAST

To: Jean Meiring <jjmeiring@group621.co.za>

Cc: "Retief, Ronel [ronelretief@sun.ac.za]" <ronelretief@sun.ac.za>

Beste Jean

Sien asb die aangehegde brief van Jan Heunis aan Edwin Cameron – ek glo dit gee die groen lig vir die nominasieproses soos bespreek.

Ek vra hiermee ook vir Ronel om aan jou die besonderhede van die nominasievorm ens. te stuur. Ek sluit ook die webskakel in.

<http://www.sun.ac.za/english/management/Pages/Nominations-for-Chancellor.aspx>

Vriendelike groete en ek hoor graag weer van jou.

Wim

Prof Wim de Villiers

Rector & Visekanseller | Rector & Vice-Chancellor

e: wimdv@sun.ac.za | t: +27 21 808 4490 | a: Admin B, Victoriastraat | Victoria Street

From: Jan Heunis [mailto:heunisjc@law.co.za]

Sent: Thursday, 29 August 2019 09:59 AM

To: emoloto@concourt.org.za

Cc: 'Sulte 1204 Advocates' <1204adv@capebar.co.za>

Subject: Urgent letter to Justice Cameron

Dear Ms Moloto,

Please be so kind as to hand the attached letter to Justice Cameron and confirm that you have done so. It is quite urgent and important, thank you.

Kind regards, Jan Heunis

Edwin Cameron <cameron.edwin@gmail.com>

Fri, 30 Aug, 07:42 Beskikbaarheid

Beste Wim

In die lig van die positiewe verwikkelinge is ek nou wel beskikbaar vir nominasie, en bedank ek jou en andere vir die vertroue wat julle in my plaas en vir die geleentheid wat sou kon kom.

Donderdagmiddag 12 September is ek vlugtig op Stellenbosch om 'n uitstalling te open by julle galery.

Sou jy dalk beskikbaar wees vir 'n halfuur as ek inloer?

Mooi wense

Edwin

De Villiers, WJS, Prof [wimdv@sun.ac.za] <wimdv@sun.ac.za>

Fri, 30 Aug, 09:02

Beste Edwin

Hierdie is fantastiese nuus vir die instelling as 'n geheel, maar natuurlik ook vir my persoonlik!

Ek weet dat Jean Meiring besig is met die "nuts and bolts" van die nominasieproses om alles reg te kry teen die sluitingsdatum (4 Sept om 12:00).

Ek vertrek Dinsdag na Europa vir besoeke aan universiteite, stigtings, donors en alumni en sal ongelukkig eers die 16de September terugkeer - ek het wel 'n USAf-vergadering die 17de by OR Tambo-lughawe en kan dan ontmoet vir middagete. Ek hoor graag van jou.

Mooi wense

Wim

Persons who approached Justice Cameron to accept nomination as Chancellor:

1. The Rector, Professor de Villiers
 2. Professor Marius de Waal, Faculty of Law
 3. Adv Jean Meiring
 4. Mr Chris Otto
 5. Mr Michiel le Roux
 6. Mr Koos Bekker
-

Email correspondence from Adv Jean Meiring:

Jean Meiring <jeanmeiring@gmail.com>

Mon, 19 Aug, 18:08 Stellenbosch

Dear Edwin,

It was a pleasure, as ever, to see you and Nhlanhla on Friday evening. It was a delightful party and very Kameel. I believe Hans' memorial gathering was well-attended and rich.

Edwin, I write reluctantly since I do not want to burden you with more onerous decisions at a time when you are no doubt thinking about doing things that are important to you and that you might have neglected because of your heavy load at the CC. Yet, in light of the green light you gave me on Friday and in light of the importance I attach to the matter of SU's new chancellor, I'm taking the plunge.

In short, I believe that you would be a transformative chancellor – [reference to incumbent Chancellor redacted].

Why do I say transformative?

I say so since - even before we met at All Souls through the intercession of Hannes van Zyl - you were a lodestar to me. You didn't know me yet. You didn't see me in the audience at the SU/UCT Law Intervarsity in, I think, my final year (1996), when you and Zackie Achmat addressed the theme of LGBT rights and the law. I was there as an earnest lawyer; certainly not as a young gay man, something I was by no means prepared to admit to myself. The gathering and your presence left an indelible mark on me. That, I know, sounds fatuous, but the oppressiveness of Stellenbosch at the time (or the only reading of it my lack of courage allowed me) was overwhelming.

While I was at Oxford and just about out of the closet, you came out as HIV+. It was an alarming event for me. HIV was my greatest fear. Although I was relatively well-informed, the most vivid images available to me of what I certainly perceived as a plague were Huisgenoot pictures of an ailing Rock Hudson and, later, Freddy Mercury.

These small vignettes of how I perceived you, initially from afar, and the impact that you had on me in my own quiet little struggle I posit as an emblem of the impact that you and your story has had on many, many other South Africans and countless people further afield. Whether by design or by chance, while you are a white man of a certain generation, your life - most importantly your living with HIV - is not that of a typical South African (white) man. You are a bridge to others who are living with HIV. In a way, I might add, that few others could. I mention this simply because you would in no sense be "just another white man" stepping into the role of chancellor.

And, of course, implicit in all this is that you are an outspoken queer person of huge eloquence and courage. While race and the struggle around racism in our country cannot be minimized, one needs only look at what is happening in, for example, London, where queer people are being brazenly and cruelly targeted on the streets and on buses to grasp that the struggle for queer liberation is far from won; in South Africa, there is still so much to be done.

Of course, there are also your stellar academic, lawyerly and judicial careers, upon which what I describe above are grafted. Yet, I choose purposely to emphasize what I have above. That is not to minimize all the many other attributes that you would bring to bear on this role. But I do think that this aspect is something that no-one else can bring to the role. Certainly, no other chancellor in South Africa does this or could do this.

These are but a few of the most important *tenets* of Edwin Cameron that, in my view, make you stand head-and-shoulders above any other potential candidates for chancellor. With you, there comes a transgressiveness that ought to be at the heart of an university, especially of one with the history of SU. You bring a frisson of change, of unpredictability, of challenging the status quo (ante?).

I could go on much longer - were it not for my appeal tomorrow. In short, however, I think it would be a devastating loss to SU, especially at these difficult crossroads, to lose out on an Edwin Cameron chancellorship. At base, I have in mind how you, with your habitual uber-dedication, remarkable skill at communicating across ravines of misunderstanding and, frankly, chutzpah would assist enormously in our efforts to bring about some sort of desperate alchemy at SU, against considerable odds.

Yes, there is some drama here, although, I'd venture no real hyberbole. But, in a sense, that is the point. A chancellor, a good one, at any rate, will bring a bit of drama to an institution like SU.

I repeat that I could say much more. Yet, I believe you get my drift, so to speak.

I trust your valedictory court session tomorrow will be memorable and gratifying.

With deep admiration,

Jean

Edwin Cameron <cameron.edwin@gmail.com>

Thu, 29 Aug, 17:29

Dear Jean

Thank you for the intensity and urgency and deeply personal feeling with which you wrote.

Receiving this letter, after your personal injunction to me on the Friday evening not to close my decision, has been pivotal to the events that have followed.

With great respect and fond appreciation.

Lorinda van Niekerk

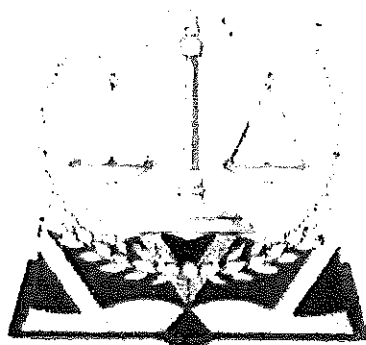
From: Kgwadi Makgaka <Makgaka@concourt.org.za>
Sent: Friday, October 18, 2019 1:18 PM
To: Allister Slingers
Cc: Lynn Hanger; Nalanie de Villiers; Lorinda van Niekerk; Danie Rossouw
Subject: {Disarmed} FW: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS
Attachments: WestR to Chief Justice 18 Oct 2019.pdf; doc01251420191018122105.pdf
Importance: High

Dear Mr Slingers

Kindly see the email trail below for the kind attention of the Chief Justice.

Kind regards

Kgwadi Makgaka
 Registrar of the Constitutional Court



OFFICE OF THE CHIEF JUSTICE
 REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL COURT OF SA
 1 Hospital Street
 Braamfontein
 2017

TEL: (011) 359 7460
 FAX: 0864955410
 EMAIL: makgaka@concourt.org.za
 PRIVATE BAG X1
 BRAAMFONTEIN
 2107

From: Danie Rossouw <daniel@attorneyswr.co.za>
Sent: 18 October 2019 01:01 PM
To: Lynn Hanger <lynnh@attorneyswr.co.za>; Kgwadi Makgaka <Makgaka@concourt.org.za>
Cc: Nalanie de Villiers <nalaniev@cluvermarkotter.law>; Lorinda van Niekerk <lorindan@cluvermarkotter.law>; Danie Rossouw <daniel@attorneyswr.co.za>
Subject: RE: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS
Importance: High

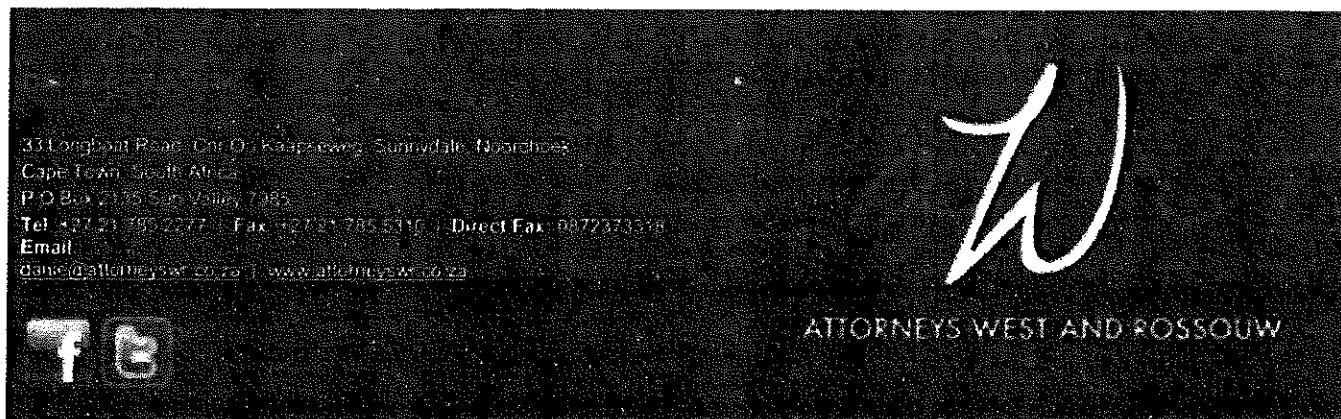
Dear Mr Makgaka

I refer to the subject matter and attach for your kind, yet urgent attention, a very important letter that we request you kindly bring to the Chief Justice's attention without delay.

We would appreciate it if you would kindly acknowledge receipt hereof and furthermore acknowledge and confirm that you have indeed ensured that the letter has been brought to the Chief Justice's attention.

We await your confirmation and response.

Kind regards



Disclaimer: This email is for the attention of the addressees only. Should you receive this in error, please destroy immediately and do not disclose to any unauthorised person or make use of the information contained in this email in any way

From: Lynn Hanger <lynnh@attorneysw.co.za>

Sent: Monday, October 14, 2019 2:27 PM

To: Kgwadi Makgaka <makgaka@concourt.org.za>

Cc: Nalanie de Villiers <nalaniev@cluvermarkotter.law>; Lorinda van Niekerk <lorindan@cluvermarkotter.law>;

Danle Rossouw <daniel@attorneysw.co.za>

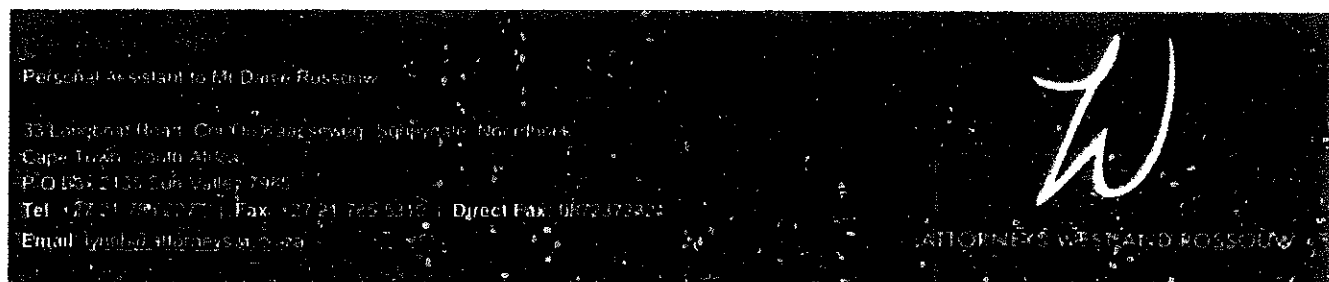
Subject: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS

Importance: High

Dear Sirs

Please see attached correspondence.

Kind regards,



Lorinda van Niekerk

From: Danie Rossouw <daniel@attorneyswr.co.za>
Sent: Wednesday, October 23, 2019 3:02 PM
To: Kgwadi Makgaka; Allister Slingers
Cc: Lynn Hanger; Nalanie de Villiers; Lorinda van Niekerk
Subject: (Disarmed) RE: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF STELLENBOSCH AND OTHERS

Importance: High

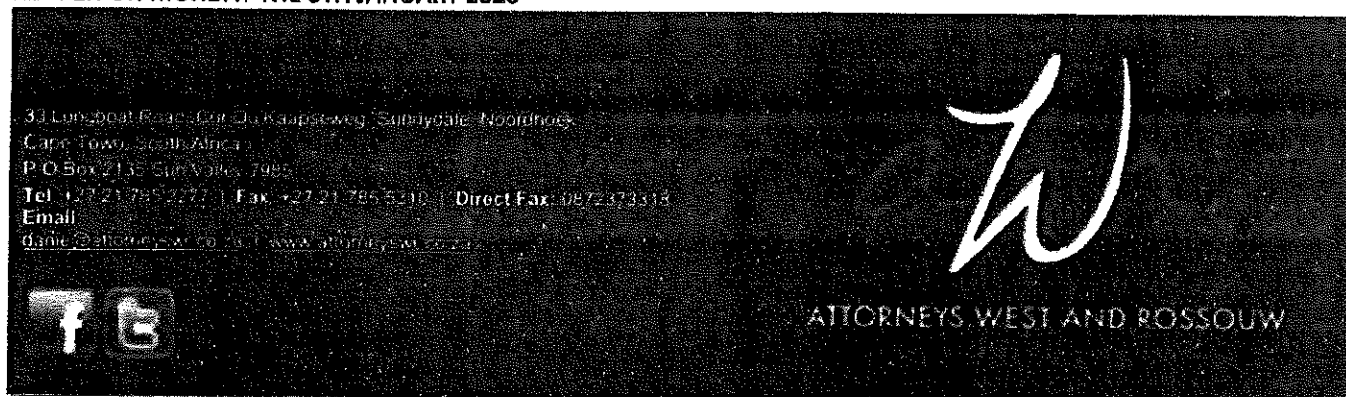
Dear Mr Slingers and Mr Makgaka

I refer to my letter of Friday the 18th which was attached to the trailing email hereunder of that same date. Given the urgency of the matter raised in the said letter, I write to respectfully inquire when a response from the Chief Justice may be expected.

Awaiting your reply in anticipation.

Humble and kind regards

KINDLY NOTE THAT OUR OFFICES WILL BE CLOSED AS FROM 12H00 ON FRIDAY THE 13TH DECEMBER 2019 AND WILL REOPEN ON MONDAY THE 6TH JANUARY 2020



Disclaimer: This email is for the attention of the addressees only. Should you receive this in error, please destroy immediately and do not disclose to any unauthorised person or make use of the information contained in this email in any way.

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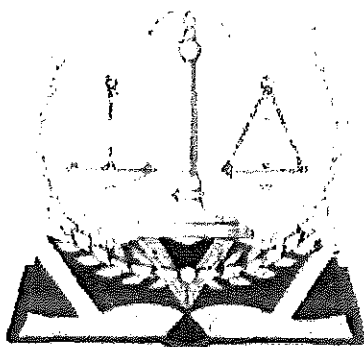
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Kind regards

Kgwadi Makgaka

Registrar of the Constitutional Court



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EMAIL: makgaka@concourt.org.za
PRIVATE BAG X1
BRAAMFONTEIN
2107

From: Danie Rossouw <daniel@attorneyswr.co.za>

Sent: 18 October 2019 01:01 PM

To: Lynn Hanger <lynnh@attorneyswr.co.za>; Kgwadi Makgaka <Makgaka@concourt.org.za>

Cc: Nalanie de Villiers <nalaniev@cluvermarkotter.law>; Lorinda van Niekerk <lorindan@cluvermarkotter.law>;
Danie Rossouw <daniel@attorneyswr.co.za>

Subject: RE: CCT 311/2017 - GELYKE KANSE AND OTHERS / CHAIRPERSON OF THE SENATE OF THE UNIVERSITY OF
STELLENBOSCH AND OTHERS

Importance: High

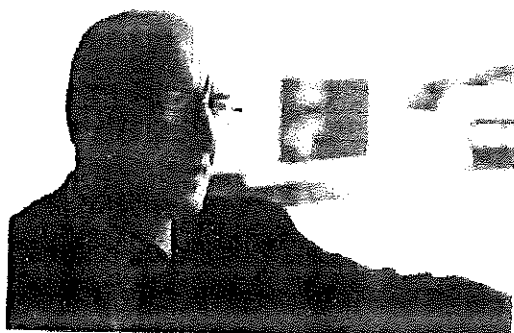
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We would appreciate it if you would kindly acknowledge receipt hereof and furthermore acknowledge and confirm that you have indeed ensured that the letter has been brought to the Chief Justice's attention.

We await your confirmation and response.

Kind regards



Outregter Edwin Cameron

Herrie bars los oor Cameron se kanselierskap

Bernard Bosman

'n Herrie het toegrens oor of outregter Edwin Cameron reg oorgegee het aan die Universiteit Stellenbosch (US) se kanselierskap te swaai, hoewel hy die konstitusionele bevoegdheid nie geskryf het waarin Gelyke Kanse se saak teen die universiteit se taalbeleid verwys is.

Die hof en die universiteit het egter gistermiddag Gelyke Kanse se bewering verwys nadat die oorgaanse se regeringswoordvoerder, Danie Roussouw, in 'n brief aan outregter Mogoeng Mogoeng geskryf het die uitspraak is "onbehoorlik beswaai" te midde van "onwettige en onwettige optrede" deur Cameron.

Hy vra dat Mogoeng aandui wat hy van plan is om te doen. Hy vra ook die brief, waarvan 'n afskrif in Beeld, verskoon van Die Burger, se beswaai is, het Roussouw gesê Gelyke Kanse wag eers op Mogoeng se reaksie voor hulle verdere kommentaar lewer.

Gistermiddag het Nathi Mncube, die hof se mediateur, egter gesê: "Ons reaksie is dat 'n volledige en gepaste verklaring van belangte geding is en dat geen onbehoorlikheid plaasgevind het nie."

Die verskeie dokumente en briewe blyk dit dat toe Cameron aanvaarlik in Julie om die kanselierskap gesonder is, hy dit van die hand gewys het. In 'n brief aan Wim de Villiers, rektor van die US, gedateer 2 Augustus, skryf hy onder meer: "Ek sal jou ooring van die dokumente in die saak wat ons volgende week aanhoor, en watter kant toe ook, sal my posisie in die beregting daarvan hooploos gekompromitteer word sou ek die nominasie aanvaar. Eweneens sou my posisie in die gemiddelde waarskynlik onder blyke bevreemding kom terwyl die saak nog hangende is."

Die persone wat hom indiens die dokumente in Beeld se beswaai het, is De Villiers, prof. Marinus de Waal, adv. Jean Meiring, Chris Olin, Michiel le Roux en Koen Bekker.



Outregter Mogoeng Mogoeng

“Ons reaksie is dat geen onbehoorlikheid plaasgevind het nie.
– Nathi Mncube

volgehoue verwoede aan Cameron om hom steeds beskikbaar te stel, was hy eers of Gelyke Kanse enige bewering teen sy kandidatuur was nie. In 'n brief op 26 Augustus skryf adv. Jan Heunis namens die oorgaanse van Cameron dat daar geen bewering is nie. Hy stel wel dat hoewel hede van Gelyke Kanse ook oorgang het om hulle te bewoos, hulle daarmee besluit het omdat hy 'n lid is van die hof wat oor die saak moet beslis.

Né die brief en ander vertel tot hom om wel beskikbaar te wees, het Cameron vir De Villiers op 30 Augustus skriftelik ingelig dat hy wel beskikbaar is.

Om Roussouw se brief aan Mogoeng blyk dit dat die kwenste versander het omdat dit lyk asof Mogoeng nie van al die geborene bewys was nie, dit eers agterom gebring het Cameron het die uitspraak geskryf en dat hy eerder andere deur respondente in die saak, wat De Villiers insluit, gevra is om hom beskikbaar te stel. Van Gelyke Kanse se lede is dit jare seker om "onbehoorlikheid"

en Koen Bekker.
Te midde van kleinstryklike

dit kom meer op "onbehoorlikheid" in die regerings.

De Villiers se reaksie

De Villiers het gistermiddag soos volg reageer: "Ek het beslis nie met die regerings ingewent nie. Ek is verrade deur die absolute goeie vrou oorgaanse het en dat die verdedigingsproses kortstads verloop het. Trouens, regter Cameron se nominaasie vir kanselier het voorgestaan met die intemning van Gelyke Kanse. Dit blyk duidelik uit die korrespondensie: ek het sy aanvullende antwoord, wat hy nie verlesbaar is nie, as stakke uitwaai en daar was nie geen verdere kontak tussen ons oor die saak nie; bene nadat regter Cameron skriftelik in kortte



Prof. Wim de Villiers

gestel is dat sy nominaasie vir kanselier vir Gelyke Kanse aanvaarbaar is, het hy my laat weet dat hy wel verlesbaar is. Regter Cameron se ingewent is bo die wysel verheue."

Edwin Cameron

Op die vraag of Cameron se optrede as kanselier as 'n gedrag beskou, het Susan van der Merwe, US-woordvoerder, reageer: "Regter Edwin Cameron is deur verskeie skyn van die US gesonder om hom beskikbaar te stel vir die kanselierskap. Hy het uiteindelik aangekondig dat hy hom slegs beskikbaar sou stel, nadat Gelyke Kanse gemaklik daartoe sou wees. Gelyke Kanse het skriftelik aangekondig dat hulle geen bewering sou lê as hy hom vir die kanselierskap sou stel nie. Daarna het hy ingesien om vir die kanselierskap te staan. Regter Cameron is met 'n verskeide reaksie verlesbaar nadat hy na die saak met vier ander kandidate met gekke nominaasie aan die Kleinkofse voorgele is."

-----Original Message-----

From: Leon Schreiber <leon.schreiberei@gmail.com>

Sent: Thursday, 24 October 2019 15:05

To: Retief, Ronel [ronelretief@sun.ac.za] <ronelretief@sun.ac.za>

Subject: Klagte teen die Rektor

Geagte Dr Retief,

Vind asseblief aangeheg 'n dringende klagte teen die Rektor.

Ek vertou dat U die saak spoedig sal ondersoek en my op hoogte sal hou.

Vriendelike groete,

Dr Leon Schreiber LP

[<http://cdn.sun.ac.za/100/ProductionFooter.jpg>] <<http://www.sun.ac.za/english/about-us/strategic-documents>>

The integrity and confidentiality of this email are governed by these terms.

Disclaimer<<http://www.sun.ac.za/emaildisclaimer>>

Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalinge bereël.

Vrywaringsklousule<<http://www.sun.ac.za/emaildisclaimer>>



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2911
www.parliament.gov.za

24 Oktober 2019

Dr Ronel Retief
Registrateur
Universiteit Stellenbosch
Per e-pos: ronelretief@sun.ac.za

Klagte teen die Rektor

Geagte Dr Retief,

Hiermee versoek ek, Dr Leon Schreiber LP, in my hoedanigheid as 'n alumnus van die Universiteit Stellenbosch (US) en voormalige lid van die Institusionele Forum, dat die US dringend 'n *onafhanklike* ondersoek loods teen die Rektor van die US, Professor Wim de Villiers. Die klagte spruit uit bewerings in die openbare domein dat De Villiers op 'n onreëlmattige, onetiese en moontlik onwettige wyse ingemeng het in die hofsak tussen die US en Gelyke Kanse oor die universiteit se taalbeleid.

Terwyl die saak – waarin die US die respondent was – steeds voor die Grondwethof was, het De Villiers na bewering herhaaldelik persoonlik kontak gemaak met die regter wat uiteindelik die uitspraak sou skryf, regter Edwin Cameron. Uit mediaberigte word die indruk ook geskep dat De Villiers die pos van Kanselier aan Cameron aangebied het as 'n manier om hom om te koop om ten gunste van die US te beslis in die hofsak.

Na bewering het De Villiers herhaaldelik vir Cameron probeer oortuig om die Kanseliersamp te aanvaar, selfs nadat Cameron geskryf het: "Ek sit juis omring van die dokumentasie in die saak wat ons volgende week aanhoor, en watter kant toe ook, sal my posisie in die beregting daarvan hopeloos gekompromitteer word sou ek die nominasie aanvaar. Eweneens sou my posisie as genomineerde waarskynlik onder billike bevraagtekening kom terwyl die saak nog hangende is."

Volgens die inligting wat tans in die openbare domein is, vra ek dat 'n *onafhanklike* ondersoekspan die volgende beweringe dringend ondersoek:

- Of De Villiers die US se reputasie, beeld en goeie naam geskaad het deur die indruk te skep dat hy 'n Grondwethof regter omgekoop het deur hom die pos van Kanselier aan te bied terwyl die saak steeds voor die hof was;
- Of De Villiers onwettig of oneties opgetree het deur herhaaldelik persoonlik kontak te maak met die regter wat uitspraak sou lewer in 'n saak waar die US die respondent was;
- Of De Villiers vir Cameron probeer omkoop het deur hom die Kanseliersamp aan te bied in ruil vir 'n gunstige hofuitspraak;

- Of De Villiers die Grondwethof se geloofwaardigheid, sowel as die hof se uitspraak in die betrokke saak, ondermyn het deur die indruk te skep dat hy vir Cameron probeer omkoop het met die Kanseliersamp;
- Of De Villiers uit sy amp verwyder behoort te word weens die skade wat hy die US aangerig het.

Ek vertrou dat U dringend 'n *onafhanklike* ondersoek sal las om hierdie saak te ondersoek.

Vriendelike groete,



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