



EDELSTEIN - BOSMAN Inc.
ATTORNEYS, NOTARIES AND CONVEYANCERS

Our ref Mr Don Bosman/LDA/AW170
 Your ref M Davey
 Date 03 December 2003

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Dear Sir / Madam

Re: **MR WITHOLD WALUS / YOURSELVES**

We act on the instructions of Mr Withold Walus who has handed your letter dated 6 November 2003 directed to him for attention and reply.

At the outset you are hereby advised that the content of your letter and any book or manuscript containing same, (as well as the material, whether printed, electronic or in other format), is false being factually inaccurate and is defamatory in a primary sense and secondly by way of innuendo.

We shall provide a summary of why our client states that your letter and/or proposed book and associated matter is defamatory and thereafter provide you with our client's comments as requested for the sake of transparency.

Your letter and/or proposed book and/or related material seeks to directly / indirectly and/or by way of innuendo connect our client with the murder of highly respected political activists during the apartheid era. You also seek to connect our client with the criminal and/or untoward politically motivated activities of our client's brother, Janusz Walus, convicted for the murder of Mr Chris Hani, and/or connect our client to his brother's friends, business associates or people known to him in suspicious circumstances imputing participation therewith by our client. This is all untrue and its publication unlawful.

You further seek to paint a sinister picture of our client's personality and business activities by way of alleged associations or friendships with persons associated with the activities of the previous apartheid government which persons had military intelligence, alternatively, state security backgrounds and/or training which associations or friendships were involved with or implicated in unlawful or untoward activities. This is also untrue and publication is unlawful.

**PLEASE NOTE OUR TELEPHONE AND TELEFAX NUMBERS
 CHANGED ON 3 DECEMBER 2003 TO THE ABOVE**

Publication of the content of your letter, book and/or related material shall defame our client in that the information is factually untrue and/or is contextually inaccurate. This defamation will have the effect of inducing an ordinary, reasonable, balanced and right thinking person in the new democratic South African society, who is of average intellect and education with normal feelings and emotions reading the published matter to hold our client in low esteem and shy away from doing business with him or any company with which he is associated.

Take note that our client has never been charged with any criminal activities and did not participate in any proceedings before the Truth and Reconciliation Commission. The unlawful publication of the untrue information which you intend is thus not in the public interest, not being fair or reasonable comment, at a time when South Africa is in the phase of reconciliation. Publication will simply cause disrespect, ridicule and hatred by society displayed towards our client and/or business with which he is associated rendering society either completely unwilling, alternatively, less willing to associate / transact with our client.

As a direct result of this unlawful publication by you our client shall suffer general and specific damages of an extensive nature having an irreparable impact on his dignity, personality and destroying his business.

It is clear that you have failed to take appropriate steps to establish the correctness of the information which you intend to publish from reliable sources, which duty rests on you and which you are obliged to do in law. Should you publish this untrue information which will have the effect of vilifying our client in the eyes of the public, you shall be acting unlawfully having due regard to the common law as entrenched by the Constitution of South Africa and entrenched in the recent reported Appellate division decisions dealing with defamation in our Courts.

As a publisher which disseminates information to a large sector of society it is the duty of your company, its directors and shareholders to acquaint yourself with and ensure compliance with the law relating to defamation, failing which all the aforesaid parties have contributory delictual liability as against our client in the circumstances.

Our client's comments relating to the factual content of your letter in summary are the following:

1. Our client has no knowledge of:
 - 1.1 the observation of witnesses in cars at the scene of the murder of Mr Chris Hani;
 - 1.2 the identity of the occupants of cars refer to 1.1;
 - 1.3 the content of the ANC report referred to;
 - 1.4 the whereabouts of Mr [REDACTED] on the day of Mr Hani's murder and the findings of ANC investigators;
 - 1.5 the content of interactions between security police and Mr [REDACTED] after the said murder and/or the content of police dockets relating thereto;
 - 1.6 any cross border transporting activities of weapons or related to sanctions-busting by any parties;
 - 1.7 any family benefit or debt received or owed by the Walius family to and from Mr Peter Jackson;

- 1.8 any connection to parties, other than in the contents set out in paragraph 3 below with military / para-military trained individuals with rightwing or underworld connections.
2. Mr [REDACTED] was introduced to our client by our client's brother. Our client, at the request of his brother, permitted Mr [REDACTED] to stay in a room in a house located on the smallholding where our client conducts business as a temporary measure. Our client was not a resident in this house and did not conduct a friendship with Mr [REDACTED]. Our client accordingly denies that he was or is a friend of Mr [REDACTED] and was a one time housemate of his.
3. The nature and extent of our client's business is the purchase of surplus or obsolete vehicles and related equipment from government departments and/or other state owned entities offered for sale to the general public by way of public tender or auction. Vehicles and related equipment have been and still are re-manufactured and on-sold to the public on a regional basis to purchasers throughout sub-Saharan Africa. Our client conducts and has conducted business with many South African government departments inclusive of the past and present Defence Force, Police Force, Armscor and various others. Our client, by virtue of his business makes contact with staff members of these government departments employed with in connection with the sale of said vehicles and related equipment. It is not within our client's knowledge whether these people have military intelligence, state security or other form of training. Furthermore, our client has no form of knowing what the actions of these people may have been. Our client cannot therefore reasonably objectively be connected to the previous or present activities of these people other than in the business contents set out above. The innuendo contained in your letter is that our client was associated with these people and had knowledge or participated in wrongful activities with these people which is untrue.
4. Our client during or about 1983 terminated his business relationship with his father and brother in a cut-glass manufacturing factory in Qwa Qwa. To the best of our client's knowledge Mr Peter Jackson and his father and brother were associated in business during the mid 1980's, but, our client has no knowledge of the nature and extent of this business association or any family debt or benefit owed to or received by them from Mr Jackson.
5. The only occasions when our client arranged transport contacts and itineraries for his brother was on an ad hoc basis on approximately two occasions when our client purchased vehicles and equipment on the basis set out in paragraph 3 in the ordinary course of conducting his business.

Having due regard to the above, we have instructions to demand from you as we hereby due that you furnish us with the following which our client is entitled to in terms of the Promotion of Access to Information Act, No 2 of 2000 and the Constitution of the Republic of South Africa Act No 108 of 1986 on or before close of business on 5 December 2003:

1. copies of all manuscripts of the book you intend to publish, all material related thereto, no matter the format whether printed or electronic;
2. copy of ANC report referred to in your letter;
3. full contact details of the sources of information from which you have received information as set out in your letter or the manuscripts or book you intend to publish.

furthermore,

4. the written undertakings of your company, its directors and shareholders not to publish the contents of your letter, the manuscripts and/or book you intend to publish or any matter related thereto making direct reference to our client and/or his business whether directly or indirectly by way of innuendo or association until such time as we are in possession of the information / matter requested above and have had the opportunity to scrutinise its contents together with our client,

failing which we have instructions to bring an urgent application to the High Court for an order on the following terms:

1. the seizure of all the matter to be published or associated therewith referred to above notwithstanding its format;
2. the destruction of the matter to be published or associated therewith;
3. an appropriate punitive costs order against your company, its directors and shareholders;
4. further appropriate or alternative relief,

without prejudice to our client's right to claim damages against all the aforementioned parties as you clearly understand and recognise the potential defamation of our client by your intended unlawful actions or omissions to act.

Take note that should the aforementioned information and undertaking not reach our offices by the close of business on Friday 5 December 2003 we shall consult with senior counsel and bring an application against you by way of urgency.

Yours faithfully
EDELSTEIN - BOSMAN Inc

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