

Cape Town Office

3rd Floor Greenmarket Place • 54 Shortmarket Street • Cape Town 8001 • South Africa
PO Box 5227 • Cape Town 8000 • South Africa
Tel: (021) 481 3000 • Fax: (021) 423 0935 • Website • www.lrc.org.za
PBO No. 930003292
NPO No. 023-004

LRC

Legal Resources Centre

Your Ref:
Our Ref: S Kahanovitz

11 December 2019

MINISTER Dr N PANDOR

Per email: Heydenreichc@dirco.gov.za

Dear Minister

RE: THE LATE MS DULCIE SEPTEMBER

We act for the family of the late Dulcie September. We write to request your assistance in the following circumstances:

1. On behalf of the family we have made an access to information request to your department and the Paris embassy in terms of the Promotion of Access to Information Act seeking any material or correspondence and reports pertaining to Dulcie September that passed between the erstwhile Department of Foreign Affairs and the SA Embassy in Paris. A copy of our original application is attached for easy reference ;
2. Your department acknowledged receipt and the necessary payments were made. Mr Ravhengani confirmed telephonically that the request was receiving attention .
3. By way of email dated 1 November 2019 Mr Tshirado forwarded a letter from Information Officer Mr Mahoai dated 25 October advising that our request for information had been transferred in terms of Section 20(1)(b) of the Act to the Department of State Security. Mr Mahoai appeared to be of the opinion that this 1998 event which took place at the height of the Apartheid state's disregard for the Rule of Law was "more closely connected with the functions of that department";
4. Mr Caiphus Ravhengani thereafter on 6 November sent us an email apologising for the delay advised that after consultation with his superior "The department is busy with your request the directorate responsible with your request is busy finalizing your request. You will get respond soon. Apologies for the inconvenience."

We have since then heard nothing further from either DIRCO or from State Security and both have failed to comply with the times provided for in the statute and granted no access and given no reasons for their inactivity . We are concerned that our clients may be getting the unnecessary run around in regard to these issues. We have now reached the stage where it may become necessary for us to lodge an internal appeal and in the absence of a satisfactory response, thereafter litigation. Our clients would prefer to avoid litigation.

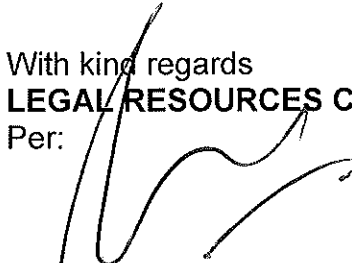
We are of the view that the Ministry too would prefer that this be resolved amicably especially as it does not relate to actions taken by the democratic state and we are thus asking that you investigate this matter and expedite our clients access to the requested documents rather than us being compelled to lodge an appeal or to litigate in the New Year.

We look forward to hearing from you.

With kind regards

LEGAL RESOURCES CENTRE

Per:

A handwritten signature in black ink, appearing to read 'Steve Kahanovitz', written over the printed name below.

STEVE KAHANOVITZ

Steve Kahanovitz

From: Steve Kahanovitz <steve@lrc.org.za>
Sent: Friday, 27 September 2019 1:45 PM
To: 'ravhenganic@dirco.gov.za'
Cc: 'mahoaik@dirco.gov.za'
Subject: FW: PAIA : Ms Dulcie September
Attachments: 2019.08.07 PAIA Request_Legal Resource Centre_Michael Arendse.pdf

Dear Sir

We refer to our telephone discussion earlier today and resend our original email together with the attachments as was sent to Ms Ngubelenga by email and per registered post . Many thanks for contacting us to clarify this request . Kindly acknowledge receipt

Kind regards

Steve Kahanovitz
Legal Resources Centre
Cape Town , South Africa
steve@lrc.org.za
tel 27-21-4813000
fax27-21-4230935
cell 0832350962
www.lrc.org.za

From: Steve Kahanovitz [<mailto:steve@lrc.org.za>]
Sent: Thursday, 08 August 2019 8:36 AM
To: 'mahoaik@dirco.gov.za'
Cc: Alice Eccles; Zulfa Mohammed
Subject: PAIA : Ms Dulcie September

Dear Ms Ngubelanga,

Please find attached a scanned copy of a Promotion of Access to Information Act request submitted on behalf of Michael Steve Arendse. The original has been sent to your offices via registered mail.

I look forward to hearing from you in due course.

Yours sincerely,

Steve Kahanovitz

Steve Kahanovitz
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Cape Town , South Africa
steve@lrc.org.za

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Legal Resources Centre

Your Ref:

Our Ref: S Kahanovitz

August 7th, 2019

THE INFORMATION OFFICER
DIRECTOR GENERAL
DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION (DIRCO)
Private Bag x152
Pretoria
0001

REGISTERED MAIL

Attention: Ms C Ngubelanga

Dear Ms Ngubelanga,

Re: **PROMOTION OF ACCESS TO INFORMATION ACT REQUEST: MICHAEL STEVE ARENDSE**

Please find attached the original application submitted on behalf of Michael Steve Arendse. We look forward to your response in due course.

A scanned copy of this will be set to you by email to mahoalk@dirco.gov.za

Yours sincerely,

Steve Kahanovitz
LEGAL RESOURCES CENTRE

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000)

(Act No. 2 of 2000)

[Regulation 2]

FOR DEPARTMENTAL USE

Reference number:

Request received by _____ (state rank, name and surname of information officer/deputy information officer) on _____ (date) at (place).

Request fee (if any): R.

Deposit (if any): R.

Access fee: R.

SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION
OFFICER

A Particulars of public body

~~The Information Officer/~~Deputy Information Officers:

Attention: Ms. C Ngubelanga
Records Management SE4-01-052

Enquiry: Mr NM Tshirado
Records Management SE4-01-066

The Information Officer
Director-General
Department of International Relations and Cooperation
Private Bag x152
Pretoria
0001

B Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Steven Paul Kahanovitz

Identity number: 5506235128080

Postal address: Greenmarket Place, 54 Shortmarket St, Cape Town City Centre, Cape Town, 8001

Fax number: n/a

Telephone number: 021 481 3000

E-mail address: steve@lrc.org.za

Capacity in which request is made, when made on behalf of another person:

Attorney

C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname: Michael Steve Arendse

Identity number: 6512125022085

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

- 1 Description of record or relevant part of the record: See Annexure
2 Reference number, if available: n/a
3 Any further particulars of record: See Annexure

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

n/a

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: n/a		Form in which record is required: n/a	
Mark the appropriate box with an X. NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is in written or printed form:			
X	copy of record*		inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):			
	view the images	X	copy of the images*
			transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
X	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:						
	printed copy of record'		printed copy of information derived from the record*	X	copy in computer readable form* (stiffy or compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.					YES	NO
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.						
In which language would you prefer the record? English						

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Telephonically (021 481 3000) and via email (steve@lrc.org.za)

Signed at the Legal Resource Centre, Cape Town Office this 7 day of August 2019


SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

SPECIAL POWER OF ATTORNEY

I/We, the undersigned,

MICHAEL STEVE ARENDSE

do hereby nominate, constitute and appoint

STEVEN PAUL KAHANOVITZ AND/OR CHWAYITA MATHISO
OF THE LEGAL RESOURCE CENTRE, CAPE TOWN

with power of Substitution, to be my/our lawful Attorney(s) and Agent(s) in my/our name, place
and stead,

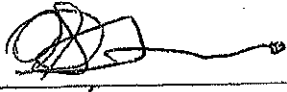
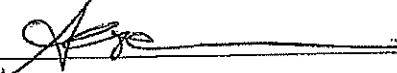
TO BRING PROMOTION OF ACCESS TO INFORMATION ACT REQUESTS
IN RESPECT OF ANY DOCUMENTS RELATING TO THE DEATH
OF MY AUNT, MS. DULCIE EVONNE SEPTEMBER ON MARCH
29, 1988 IN PARIS, FRANCE

DO NOT SIGN OR INITIAL OVER THIS LINE

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall
be requisite, as fully and effectually, for all intents and purposes, as I/We might or could do if
personally present and acting herein - hereby ratifying, allowing and confirming and promising
and agreeing to ratify, allow and confirm all and whatsoever my/our said Attorney(s) and
Agent(s) shall lawfully do, or cause to be done, by virtue of these present.

Signed at THE LEGAL RESOURCE CENTRE, CAPE TOWN
this 7 day of AUGUST 20 19, in the presence of the
undersigned witnesses.

AS WITNESSES:

1 
2 

M. S. Arendse

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August 7th, 2019

Prescribed Forms for Access to Records

**Form A
Annexure**

A description of the requested record or relevant part of the record is as follows:

- All correspondence, ambassador or other reports, or analytical reports exchanged between the South African Embassy in Paris, France and the Department of Foreign Affairs (the predecessor to DIRCO) in which there is mention of the activities of Ms. Dulcie Evonne September or the activities of the African National Congress (ANC) from September, 1988 onward;
- All correspondence, ambassador or other reports, or analytical reports exchanged between the French government and Ambassadors in France of the democratically elected South African government from May, 1994 in which there is mention of the late Ms. Dulcie Evonne September;
- Any documents with information regarding any internal investigations into the assassination of Ms. Dulcie Evonne September carried out by South African Embassy in France personnel or persons appointed by the embassy or reporting to the Embassy;
- Photocopies of all or any of the pages of Ms. Dulcie Evonne September's diary;
- Any reports received from any authority in France or elsewhere in respect of the assassination of Ms. Dulcie Evonne September which is currently held by the Department of Foreign Affairs and/or DIRCO.

Steve Kahanovitz
LEGAL RESOURCES CENTRE

National Office:
Cape Town:
Durban:
Grahamstown:
Johannesburg:
Constitutional Litigation Unit:

N Govender (National Director), T Wegerif (Deputy National Director), K Reinecke (Director: Finance)
S Dass (Director), A Andrews, S Kahanovitz, C Malthiso, M Mudarikwa, EL Roos, A Turpin
S Samuel (Director), T Malstry, TC Mkhense
C McConnachie (Director), S Sephton, C van Schaalkwyk
LJ Umacher (Acting Director), SS Naidoo
SG Magardie (Director), MJ Bishop, G Bizos SC, C du Toit, NM Kekana, P Mdakane, YS Ntoko, ER Webber