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Your reference: BM/PG/2022

Our reference: JFL/ca/W

24 March 2022

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BM Mudzuli Attorneys  
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Johannesburg  
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By Email: [mudzulibm917@gmail.com](mailto:mudzulibm917@gmail.com)

Attention: Brain Mudzuli

Dear Sir

**RE: GROUNDUP NPC AND RAYMOND JOSEPH // ALFRED NEVHUTANDA**

Your letter of 23 March 2022, which was sent to our client Mr Joseph earlier today, has been handed to us. We represent the above clients.

At the outset we place on record that:

- Mr Joseph does not represent GroundUp NPC, which is the publisher of the news media site published under the style of GroundUp. He is a freelance journalist who writes and submits articles for publication to various newspapers, including GroundUp.
- Whilst Mr Joseph prepared the article published under his by-line on 17 March 2022, he was not responsible for the final form thereof, nor was he responsible for any of the graphic or photographic material contained within the published article.
- The decision to publish articles is made by the editor of GroundUp.

Our instructions with regard to the claims made by your client are as follows:

1. Our client published three pictures of your client's house. Two of the pictures are aerial views of a property which does not identify your client's address or the location of the house. These pictures are publicly available on Google Earth and were published to show the expansive nature of the property, a matter that was germane to the content of the article. The other picture is a publicly available picture of the house from the back yard, a view that is not accessible from the street and does not identify its location.
2. Insofar as there is a link to a video of your client on the upper balcony of his house, the video has been published by your client elsewhere and, moreover, does not identify the address or location of the house.
3. Accordingly, our clients did not invade your client's privacy by identifying his address.
4. Insofar as the article refers to your client's residence, it is central to the content in the following respects:
  - 4.1. The content of the article relates to allegations that monies indirectly derived from grants made by the National Lotteries Commission (the NLC) to grant recipients during your client's tenure as Chairman of the board of the NLC.
  - 4.2. The NLC is an organ of state.
  - 4.3. Your client received ample opportunity to answer extensive questions posed by Mr Joseph before the publication of the article. He never availed himself of the opportunity.
  - 4.4. Your client is a person with a high and public profile. His public profile is cultivated not only by the positions of authority that he sought, but also by his personal promotion.
  - 4.5. Accordingly, the depiction of the lavish spread of your client's property and the circumstances under which it was acquired and funded, are matters of overriding public interest.
5. Furthermore, your client's residential and business address is a matter of public record and easily obtainable from several public sources.
6. Insofar as your client may have received messages and telephone calls, whether from so-called bogus law enforcement agencies or officials, the conduct cannot be laid at our clients' door. There is nothing in the article that gives any information relating to your client's contact details. If any such calls were indeed made to your client or his family, the callers could only have obtained the information elsewhere.
7. Save to deny that the article was malicious, reckless, wrongful and unlawful, or contrary to the Code of Practice, we shall not respond to the remainder of the allegations. Our omission is not an admission of any allegation in your letter.

8. In the circumstances, GroundUp shall not remove the article, nor shall it remove any of the pictures embedded in the article, as the publication thereof is lawful.

Should your client persist with the threat of litigation, please note that our client is willing to appoint our offices for service of the papers, at 2<sup>nd</sup> Floor, 42 Burg Street, Cape Town, marked for attention JF Louw/RM Manual.

We further place on record that both Mr Joseph and GroundUp are resident within the jurisdiction of the Western Cape High Court.

Yours faithfully

**Lionel Murray Schwormstedt  
& Louw**

Per:

**JF LOUW**

This letter has been sent electronically  
and is not signed by the writer