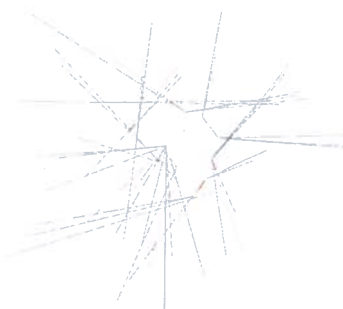


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in alliance with > **Linklaters**



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Your reference

Our reference

Date

V Movshovich / P Dela / D Cron /
D Rafferty

17 July 2017

Dear Sir

Investigation into Bell Pottinger public relations strategy in South Africa

1. We represent the Helen Suzman Foundation, Section27 and Save South Africa ("our clients"). Our clients are South African public interest organisations concerned with, amongst other things, the protection of our constitutional project and democracy. Our clients have many years of experience in the field of public interest litigation, including challenges to the exercise of public power.
2. Our clients have been following the recent revelations and investigations that have led to the "unequivocal apology" issued by Bell Pottinger last week, in which it accepted responsibility for the "offensive" campaigning and race based narratives pertaining to the concept of "economic apartheid" in the Republic of South Africa.
3. Our clients have noted, in addition, that, in the apology issued by Bell Pottinger, you have indicated that Bell Pottinger recently commissioned a probe by the law firm Herbert Smith Freehills LLP into the actions of the company.

Senior Partner: JC Els **Managing Partner:** SJ Hutton **Partners:** BW Abraham RB Africa NG Alp OA Ampofo-Anti RL Appelbaum DC Bayman AE Bennett AP Blair DHL Booyesen AR Bowley JL Brink S Browne MS Burger RI Carrim T Cassim SJ Chong A Christie KL Collier KM Colman KE Coster K Couzyn JJ Daniels CR Davidow JH Davies PM Daya L de Bruyn PU Dela JHB de Lange DW de Villiers BEC Dickinson MA Diemont DA Dingley G Driver HJ du Preez CP du Toit SK Edmundson AE Esterhuizen MJR Evans AA Felekis GA Fichardt G Fitzmaurice JB Forman C Gabriel CP Gaul KL Gawith OH Geldenhuys MM Gibson SJ Gilmour H Goolam CI Gouws PD Grealy A Harley JM Harvey MH Hathorn JS Henning KR Hillis XNC Hlatshwayo S Hockey CM Holfeld PM Holloway HF Human AV Ismail ME Jarvis CM Jonker S Jooste LA Kahn M Kennedy A Keyser M Kyle J Lamb L Marais S McCafferty MC McIntosh SJ McKenzie M McLaren SI Meltzer CS Meyer AJ Mills JA Milner D Milo NP Mngomezulu S Mogale M Moloi LE Mostert VM Movshovich RA Nelson BP Ngoepe A Ngubo ZN Ntshona MB Nzimande L Odendaal GJP Olivier N Paige AMT Pardini AS Parry S Patel GR Penfold SE Phajane TC Phala MA Phillips D Ramjettan GI Rapson Z Rawoot K Rew G Richards-Smith NJA Robb DC Rudman S Rugan M Sader H Samsodien JW Scholtz KE Shepherd AJ Simpson N Singh N Singh-Nogueira P Singh J Smit MP Spalding PS Stein MW Straeuli LJ Swaine JM Swanepoel Z Swanepoel A Thakor A Toefy PZ Vanda PP van der Merwe SE van der Meulen CS Vanmali JE Veeran D Venter B Versfeld MG Versfeld TA Versfeld DM Visagie J Watson DP Wild KL Williams K Wilson RH Wilson M Yudaken **Chief Operating Officer:** SA Boyd

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4. In the apology you indicate that: "*At various points throughout the tenure of the Oakbay account, senior management have been misled about what has been done,*" and stressed that the Herbert Smith investigation would "*be completed in the next few weeks. We intend to publish the findings of that report and take appropriate action.*"
5. We are aware that the Democratic Alliance (South Africa's leading opposition party) has complained about Bell Pottinger's actions to two UK regulatory bodies, the Public Relations and Communications Association ("**PRCA**") and the Chartered Institute of Public Relations ("**CIPR**"), and that earlier in July the PRCA launched its own investigation (according to the Financial Times - see <https://www.ft.com/content/f8271e3e-dd3a-3503-bcfd-e30f9465aa21?mhq5j=e2>).
6. Our clients assume that the investigations by Herbert Smith Freehills LLP are intended to assist Bell Pottinger to respond appropriately and transparently to the UK regulatory authorities, and also to the South African public at large. Indeed, our clients are encouraged to see that Bell Pottinger recognises a broader accountability responsibility.
7. Our clients, acting in the public interest, intend making recommendations to the PRCA and CIPR. In that regard, they aim to assist the UK regulatory authorities to understand the social, economic and potential legal implications of Bell Pottinger's conduct. Given your own statement in the apology, that "*[m]ost seriously, it was said that we had supported or aided campaigns to stir up racial division in South Africa*", you will appreciate that South Africans, including our clients, are concerned to ensure that the context and impact of Bell Pottinger's conduct are properly contextualised and understood by Bell Pottinger's "*senior management [who] have been misled*" and by the UK regulatory bodies that are themselves considering the conduct.
8. Such understanding is likely to be enhanced, in our respectful view, by input from respected South African-based non-governmental organisations and through South African lawyers on the potential South African legal and constitutional implications of Bell Pottinger's conduct.
9. You are no doubt aware of the volatile history of South Africa insofar as issues of race and sectarian politics are concerned. Because of our clients' experience in matters relating to the protection of South Africa's democracy and Constitution, it is imperative that South Africa and its special circumstances feature large in any consideration of the matter by the regulatory authorities in the UK and that our clients be given a meaningful and informed

opportunity to make submissions in relation to the final report and Bell Pottinger's conduct. Our clients will only be in a position to make meaningful submissions if they are furnished with all the relevant information as a matter of urgency.

10. To that end, our clients request the following as a matter of urgency:
 - 10.1 that the terms of reference for Herbert Smith Freehills LLP's appointment, as well as their mandate, be made available;
 - 10.2 access to all underlying information and documentation on which any investigation and report are based, together with any interim reports that have already been prepared; and
 - 10.3 access to any other information and documentation in Bell Pottinger's possession which relates to this matter.
11. Once the final report is available, our clients also request copies of that report.
12. Given the importance of the investigations currently being undertaken into the Oakbay account, and the fact that your apology suggests that the Herbert Smith Freehills investigation is expected to be "*completed in the next few weeks*", our clients ask that you treat this request urgently.
13. Our clients look forward to your favourable response by no later than 20 July 2017.

Yours faithfully



WEBBER WENTZEL

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