

A	<b>Summary of Requests to APC for Access to documents: 17 June 2014</b>			
	<b>Date(s) requested</b>	<b>Document Requested</b>	<b>Relevance</b>	<b>Response</b>
1.	<p>15 February 2013; 25 February 2013 at meeting with secretariat; 18 March 2013 repeat request; 16 July 2013 repeat request; 09 September 2013 repeat request; 14 Oct 2013 at meeting with secretariat; 17 January 2014 repeat request; 30 April repeat request</p>	<p>Four sets of documents (submitted by Paul Holden):</p> <ul style="list-style-type: none"> <li>• <b>Department of Trade and Industry:</b> All reports compiled by the Department of Trade and Industry's Industrial Participation Secretariat regarding the NIP obligations incurred by the arms deal. All minutes of meetings held by the Industrial Participation Control Committee regarding NIP obligations incurred by the Arms Deal</li> <li>• <b>South African Law enforcement agencies:</b> All mutual legal assistance requests, responses thereto and further related correspondence pertaining to the Arms Deal and related investigations.</li> <li>• <b>Minutes of committees:</b> All minutes regarding the Arms deal held by various bodies including: <i>The Project Control Board, Strategic Offers Committee, Armament Acquisition Council, Acquisition Steering Board, Cabinet Sub-Committee overseeing the Arms Deal. In addition all presentations made by Shamin 'Chippy' Shaik and Jayendra Naidoo to the Cabinet sub-Committee overseeing the SDP.</i></li> </ul>	<p>Required to understand possible abuse of off-sets (as per APC Terms of Reference)</p> <p>Required to investigate and probe allegations of fraud and corruption (as per APC Terms of Reference)</p> <p>Required to understand if any individuals or entity improperly influenced the Arms procurement process (as per APC Terms of Reference)</p>	<p>On 14 October 2013 at meeting with the secretariat advised that this schedule was still being collected and declassified at a meeting with secretariat.</p> <p>No further response.</p> <p>All minutes of IPCC meetings have been provided as annexures to the witness statement of Mr. Siphso Zikode. As such, this request becomes null and void. However, we ask the Commission to assess whether any additional documents are in the possession of the Commission relevant to the NIP and DIP components of the SDP, and which may confirm, deny or modulate our clients' version of events.</p> <p>While certain minutes of certain procurement committees have been provided as annexures to the statements of witnesses so far appearing, many are in extract form. It is clear that full sets of minutes for all bodies, as well as any attached annexes to said minutes, have not been provided.</p>

		<ul style="list-style-type: none"> <li>• <b>South African law enforcement agencies:</b> Any and all reports regarding investigations into fraud, money laundering, corruption, racketeering or other crimes related to the Arms Deal compiled by any SA agency (<b>including financial audit reports</b>)</li> </ul>	Required to investigate and probe allegations of fraud and corruption (as per APC Terms of Reference)	
2.	29 October 2013; 30 April 2014 repeat request	<b>'Supply Terms Agreement'</b> , which includes in the order of 20 Annexures, and in particular Annexure C – referred to in Armscor Witness: Robert Vermuelen's evidence.	Indicates the final cost for the integrated logistic support element in the final contract. Our clients wish to address these documents during the course of their own evidence.	Acknowledgement of receipt
3.	29 October 2013; 30 April 2014 repeat request	US based <b>'Debevoise Plimpton Audit'</b> report referred to from pages 2610 and onwards in the Commission's transcript of 21 October 2013. This document is accessible on line through the Mail & Guardian's website, and handed to the Hawks by other parties.: <a href="http://dl.dropboxusercontent.com/u/29088336/arms%20cache%20share/110413_Debevoise%20%26%20Plimpton_Ferrostaal%20final%20report.pdf">http://dl.dropboxusercontent.com/u/29088336/arms%20cache%20share/110413_Debevoise%20%26%20Plimpton_Ferrostaal%20final%20report.pdf</a>	This is a publicly Accessible document, to which our clients Mr Holden and Mr Feinstein referred to in their joint submission to the Commission. It addresses matters which are directly relevant to the issues which the Commission's terms of reference require it to investigate. We submit that it is manifestly necessary that the evidence leaders investigate the matter in order for the audit report to be considered by the Commission. It revealed from inside one of the wining companies their history of bribery and corruption (Ferrostaal) – including on the south African deal, and their explicit decisions to fulfill a tiny fraction of their offset obligations.	Acknowledgement of receipt
4.	29 October 2013; 30 April 2014 repeat request	<b>Procurement system:</b> All documents before the Commission setting out the procurement system which was applied, in terms of section	Section 217(1) of the Constitution Requires that state procurement be in accordance with a system which meets	Acknowledgement of receipt

		217(1) of the Constitution.	the requirements of that subsection. We Assume that the Commission will require that the system which was used in this instance be placed before it, so that it may consider whether it was compliant with the Constitution.	
5.	17 October 2013; 17 January 2014 repeat request; 30 April 2014 repeat request	<b><i>Final Report on an Impact Assessment Undertaken at Denel Saab Aerostructures</i></b> (Pty) Ltd Related to an Aerospace project within the Industrial Participation programme (NIPP) Vols 1 and 2, 2010, NAD Auditors Incorporated	Directly relevant to the testimony of DTI witnesses and any cross-examination of them.	LHR was permitted to hand up and refer to two pages of this document for purposes of cross-examination of Mr Zikode on 4 February 2014. DTI confirmed that it was a document requested by and directed to them and had no objection to the use of the whole document – which we only possess in redacted form as a result of a PAIA request made by City Press and in the public domain in its redacted form.  The Commission refused the handing up of the whole document, and sought only the two pages relied upon, for the stated reason that it has too many documents in its possession already.  No response from the Commission as yet to our request for this document.
6.	20 February 2014; 10 March 2014 repeat request; 2 April 2014 repeat request; 30 April repeat request	<b><i>Documents that form part of the investigation by the Directorate of Special Operations (DSO)/Scorpions:</i></b> more than 4 million documents which were the product of investigation by the scorpions into corruption in the deal	These are held in ‘safe-keeping’ by the Hawks in containers in the perimeter of the NPA premises. Their location was identified by the <i>City Press</i> in August 2013. The Commission undertook to digitise and analyse the contents.	

	30 April 2014	<b><i>And all of the rest of documents held in the 'icebox'</i></b>		<p>On 26 March 2014 advised in correspondence that the "ice-box" is a documents storage facility at Armscor where documents relating to the SDPP, among others, are kept. Request to be given access to this facility should directed to Armscor. The Commission does not have the power to coerce any entity to give interested parties access to its facilities.</p> <p>On 2 April 2014 LHR repeated request, and pointed out that where apparently relevant information exists or may exist in the hands of an entity, there is no onus on an interested party before the Commission to request that entity to provide it with a copy, and then to place it before the Commission. Rather, it is the function of the Commission and its staff, in carrying out the mandate of the President, to seek out and obtain the information, consider its relevance, and (where it is or may be relevant) make it available to interested parties. It is the Commission which has the statutory duty, and which has been given powers of compulsion in order to enable it to carry out that duty.</p>
7.	30 April 2014	<b>All electronic documents collected as evidence by the Directorate for Special Operations under the National Prosecuting Authority during their investigation.</b> Including, but not limited to, documents and	These documents are fundamental to the enquiry which the Commission is mandated to undertake, and are likely to be very relevant to our clients' testimony.	Acknowledgement of receipt

		the computer hard drives retrieved during their investigations into the BAe/SAAB agreements, and those seized during raids on the premises of BAe Systems, Mr Fana Hlongwane and Mr John Bredenkamp in 2008.		
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