

A.	Summary of Requests to APC for Access to documents: <i>Still awaiting response from the APC</i>			
Nr:	Date requested	Document Requested	Relevance	Response
1.	15 February 2013 25 February 2013: at a meeting with the secretariat 18 March 2013: repeat request 16 July 2013: repeat request 09 September 2013: repeat request 14 Oct. 2013: at a meeting with secretariat 17 January 2014: repeat request	Four sets of documents (submitted by Paul Holden): <ul style="list-style-type: none"> • Department of Trade and Industry: 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 • South African Law enforcement agencies: All mutual legal assistance requests, responses thereto and further related correspondence pertaining to the Arms Deal and related investigations. • Minutes of committees: <i>All minutes regarding the Arms deal held by various bodies including: The Project Control Board, Strategic Offers Committee, Armament Acquisition Council, Armaments, Acquisition Steering Board, Acquisition Control Board, Cabinet sub-Committee overseeing the Arms Deal, Cabinet. In addition all presentations made by Shamin ‘Chippy’ Shaik and Jayendra Naidoo to the Cabinet sub-committee overseeing the Arms Deal.</i> • South African law enforcement agencies: <i>Any and all reports regarding investigations into fraud, money</i> 	Required to understand possible abuse of off-sets (as per APC Terms of Reference) Required to investigate and probe allegations of fraud and corruption (as per APC Terms of Reference) Required to understand if any individuals or entity improperly influenced the Arms procurement process (as per APC Terms of Reference) Required to investigate and probe allegations of fraud and corruption (as per APC Terms of Reference)	On 14/10/13 at meeting with the secretariat advised that this schedule was still being collected and declassified at a meeting with secretariat No further response.

		<i>laundering, corruption, racketeering or other crimes related to the Arms Deal compiled by any SA agency (including financial audit reports)</i>		
2.	29 October 2013	' Supply Terms Agreement ', 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	US based ' Debevoise Plimpton Audit ' 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.: http://dl.dropboxusercontent.com/u/29088336/arms%20cache%20share/110413_Debevoise%20%26%20Plimpton_Ferrostaal%20final%20report.pdf	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	Procurement system: All documents before the Commission setting out the procurement system which was applied, in terms of section 217(1) of the Constitution.	Section 217(1) of the Constitution Requires that state procurement be in accordance with a system which meets 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.	Acknowledgement of Receipt
5.	07 August 2013 09 September 2013 14 October 2013: Meeting with the secretariat on 17 January 2014	Witness statements: All witness statements in advance of evidence being lead – with corresponding bundles This request has also been made repeatedly on record before the Commission	At the meeting of legal representatives on 19 August 2013, it was agreed that witness lists and a summary of statements would be made available for the coming week on Friday afternoons. This does not appear to have been the case.	13/09/13 response from secretariat that witnesses are announced on Friday of every week and their witness statements posted on the Commission’s website. This is not accurate.
6.	17 October 2013	Final Report on an Impact Assessment Undertaken at Denel Saab Aerostructures (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. DTI 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

				<p>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.</p> <p>No response has been given by the Commission as yet to our request for this document.</p>
8.	20 February 2014	<p><i>Documents that form part of the investigation by the Directorate of Special Operations (DSO)/Scorpions:</i> more than 4 million documents which were the product of investigation by the scorpions into corruption in the deal</p>	<p>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. We have had no confirmation that this has in fact happened – 7 months later.</p>	<p>Promised a response by 28 February 2014, no response received to date.</p>
9.	20 February 2014	<ul style="list-style-type: none"> • The contracts on which the arms deal is based • And all of the rest of documents held in the 'icebox' • All the Hawks documents 	<p>Contracts – form the entire basis of the arms deal, ad central to effective cross-examination on for example the use and appropriateness of offsets, i.e. for Alec Erwin</p>	<p>Promised a response by 28 Feb 2014</p>

B

Summary of Requests to APC for Access to documents:

Access granted to documents by the APC

Nr:	Date requested	Document Requested	Relevance	Response
1.	17 October 2013	'Strategic Defence Package: National Industrial Participation programme (NIPP) Performance Review' compiled by the DTI in 2013	Directly relevant to the testimony of DTI witnesses and any cross-examination of them	<p>We received no response from the Commission to this request.</p> <p>The DTI Final Internal Audit Report dated October 2012 however formed part of the annexure bundle to Mr Zimela's witness statement. Mr Zimela began giving evidence on 21 January 2014.</p> <p>We received this document on 22 January 2014.</p>
2.	17 February 2014	<ul style="list-style-type: none"> <li data-bbox="436 1003 1100 1068"><i>Affordability Report</i> – requested at the Commission for purposes of cross-examination of Alec Erwin 		It was declassified as result – had sight of it officially – for the first time in 15 years