



REPUBLIC OF SOUTH AFRICA

PUBLIC PROTECTOR  
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Enquiries:

Please quote this reference in your reply:

Your reference:

7/2 – 3296/00

2000-12-13

Dr R Young  
CCII Systems (Pty) Ltd  
P O Box 171  
RONDEBOSCH  
7701

Dear Dr Young

**RE: REPORT ON COMPLAINT BY C2I2 CONCERNING CORVETTE COMBAT  
SUITE CONTRACT: ARMSCOR / AFRICAN DEFENCE SYSTEMS (PTY) LTD**

Thank you for the detailed briefing and meeting with my colleagues on 29 November 2000. Your time and assistance is highly appreciated.

The Public Protector will in due course advise you and the other parties concerned, on his findings concerning your complaint.

Herewith the writers comments for your kind consideration:

- 1 The facts of the C2I2 complaint are common cause and well known to the Parliamentary Standing Committee on Public Account (SCOPA), the Auditor-General (A-G), National Director of Public Prosecutions (NDPP) and the Heath Special Investigating Unit (SIU);
2. After lodging the complaint with the Public Protector on 28 August 2000 there have been many developments, precipitated by the tabling of the A-G's Special Review; RP 161/2000 and followed by the SCOPA hearings and a meeting convened by SCOPA on 13 November 2000 to co-ordinate the investigation of the A-G, SIU, NDPP and this office. The joint investigation is making steady process;
3. This office shall refer any alleged irregularities or crimes to the Investigating Directorate for Serious Economic Offences (IDSEO), for further investigation;

4. Kindly note that the Public Protector has jurisdiction over government institutions, civil servants, public entities and public officials, but not over private entities or companies such as C2I2 or African Defence Systems (Pty) Ltd.
5. Correspondence between C2I2 and Armscor/Department of Defence makes use of terms such as preferred bidder/ contractor/supplier. I am of the view that the appropriate forum for adjudicating contractual disputes and granting remedies such as specific performance or re-instatement, is the High Court and not the Public Protector;
6. The Promotion of Administrative Justice Act, No 3 of 2000, provides that the Courts shall review administrative action, not the Public Protector. Whilst it is the function of the Public Protector, to investigate maladministration in the affairs of government and promote good governance and efficient administration, it is not his function to order the type of relief sought by C2I2.
7. In conclusion you are advised to seek legal advice as to your legal remedies.

We shall advise you in the new year of our findings in regard to the administrative procedures relating to arms acquisition. Once again we wish to thank you for the considerable assistance rendered.

With kind regards



**D N SCROOBY**  
**SENIOR INVESTIGATOR**

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