

### i. PREFACE

1. Investigations, by their very nature, generate expectations and controversy: controversy in that an over-zealous investigation might be seen as a witch-hunt or a fishing expedition, whilst a superficial investigation might smack of a cover-up.
2. The test of commitment lies not in a preference for any of these extremes, but in a golden mid-way, where a balance is struck between the demands for accuracy, rigorous investigation and the rights of privacy of those affected.
3. Our pursuit has been deliberate; to conduct a proper and diligent examination that reaffirms the solid foundation and pillars of our legal system and ultimately enhances our democracy.
4. Because of human nature, news that an investigation is underway tends to create the expectation that something bad will be found. Any investigation is expected to either implicate or exculpate. Often that is not the case.
5. The investigation has essentially been about probity: whether those representing the government have conducted business diligently, properly and in the best interest of the country. Secondly, whether the contracting parties have followed the rules of good faith and fairness.
6. The issues of procedure, checks and balances, compliance with policy and good business practice have all been an important part of this inquiry. Relating to this has been the question whether crimes have been committed and, more

specifically, whether prosecutions could be and ought to be instituted. Our findings, given the purpose of this report, will probably be the subject of considerable debate.

7. We have at all times endeavoured to act in accordance with the spirit of the Constitution in conducting the investigation with resolute independence, depth of courage and an uncompromising standard of intellectual integrity.
8. In essence, we are duty-bound to conduct our business in a measured, accountable and objective manner that instils legitimacy and respect for the law. That, we hope, we have done without the abuse of power or process.
9. An investigation of this kind can, of course, never be perfect because the discipline involved is not an exact science and the human element can never be accounted for fully.
10. The challenge, presented by this investigation, goes to the *raison d'etre* of the institutions supporting constitutional democracy and those involved in the administration of justice. The impartiality, objectivity and independence of the three institutions involved are issues that have remained in the arena consistently. We hope that we will not be found wanting.