



11 September 2014

Dear Advocate Madonsela,


**REPORT TO THE SPEAKER OF THE NATIONAL ASSEMBLY REGARDING THE
SECURITY UPGRADES AT THE NKANDLA PRIVATE RESIDENCE OF HIS
EXCELLENCY PRESIDENT JACOB ZUMA**

I refer to your correspondence dated 21 August 2014.

1. I have noted your restatement of the contents of your report titled "*Secure in Comfort*".
2. I further note your comments on my report which I have submitted to the National Assembly.
3. I must respectfully disagree with your assertion that reports of the Public Protector "are by law not subject to any review or second guessing by a Minister and/or cabinet" and "the findings made and remedial action taken by the Public Protector can only be judicially reviewed and set aside by a court of law".
4. As an institution, the office of the Public Protector plays an invaluable role in our constitutional democracy by bringing about public accountability and transparency and must be permitted the space to investigate, report and make recommendations which may include remedial action. In this regard, the current administration has consistently demonstrated its commitment to these constitutional principles.
5. The role of the Public Protector is akin to that of an Ombud and quite distinct from that of a judge. Similarly, reports emanating from a Public Protector process are not judgements to be followed under pain of a contempt order, but rather, useful tools in assisting democracy in a co-operative manner, sometimes rather forcefully.
6. Whilst the Public Protector reports play an important role, they are, for a variety of reasons impregnable from review. This is so in part because the findings made are arrived at without any adversarial hearing being conducted, where the investigations by their very nature evidence an adversarial dispute.

7. Inasmuch as this does not diminish the role of the reports generated by your office, it is a significant factor to caution me against a blanket acceptance without applying my own mind and giving careful consideration thereto. Should my election only be to review your decision or to rubberstamp it, I would be failing in the discharge of my own constitutional responsibilities, acting in an irrational manner and flouting the principle of legality.
8. In the present instance and regarding whether or not I am liable for any repayments, I should not be a judge in my own case unless and to the degree I am institutionally compelled. I consider the Minister of Police to be the appropriate functionary for the purpose and reasons tendered in my report to the National Assembly.
9. As a Chapter 9 institution created under our constitution, the Public Protector must compile her report and allow the appropriate institutions to consider and react to it. I am awaiting the outcome of the Parliamentary process and venture to suggest that you likewise should allow this important institution of our democracy an opportunity to do its work.

Yours sincerely,



Mr Jacob Gedleyihlekisa Zuma
President of the Republic of South Africa

Adv T. Madonsela
The Public Protector of the Republic South Africa
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cc: Ms B Mbete, Speaker of the National Assembly