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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 317

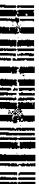
1 April 2005

**APPOINTMENT OF A COMMISSION OF INQUIRY INTO THE MANDATE
AND LOCATION OF THE DIRECTORATE OF SPECIAL OPERATIONS**

The President has under section 84(2)(f) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), appointed a Commission of Inquiry into the Mandate and Location of the Directorate of Special Operations, with the terms of reference set out in *the* Schedule and appoint the Honourable Justice S V Khampepe as Chairperson and only member of the said Commission.

SCHEDULE

1. The Commission shall inquire into, make findings, report on and make recommendations concerning the following, taking into consideration the Constitution and relevant legislation, policies and guidelines:
 - (a) The rationale behind the establishment of the DSO and its location;
 - (b) The mandate of the DSO and an evaluation of the implementation thereof;
 - (c) The systems for management, control, communication, oversight and accountability by the DSO;
 - (d) The accountability, effectiveness, efficiency and oversight in respect of the intelligence operations of the DSO;
 - (e) The Constitutional and legislative mandates of the South African Police Service (SAPS) and the intelligence agencies, with particular reference to their roles in respect of organised and high level priority crimes;
 - (f) The systems for coordination and cooperation between the SAPS and the intelligence agencies on the one hand and the DSO on the other;
 - (g) The efficacy of coordinating systems that exist between the above structures (**DSO** and the SAPS), including matters related to (1) the rationalisation of resources; (2) approaches to and standards related to training (3) minimising undue duplication; (4) the coordination of operations; (5) priority setting mechanisms; (6) liaison with foreign law enforcement and



intelligence structures and where relevant private sector entities; and (7) the impact of locating investigators and prosecutors within the National prosecuting Authority; and

- (h) The need to review the present legislative framework and to make recommendations on; (a) remedial actions, if any, to address deficiencies identified in line with the terms of reference; (b) various options regarding the suitable location of the DSO, including the appropriate legislative framework.
2. These terms of reference may be added to, varied or amended from time to time.
 3. The Commission shall commence with its duties forthwith and must report within three months or as soon as possible thereafter.
 4. The Commission shall have the power to provide the President with interim reports.
 5. The Commission shall be subject to and be conducted in terms of the provisions of the Commissions Act, 1947 (Act No 8 of 1947), as amended, and the regulations published thereunder.

