



# Government Gazette

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**No. 27568**



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

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**GOVERNMENT NOTICE**


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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

No. R. 434

6 May 2005

**COMMISSION OF INQUIRY INTO THE MANDATE AND LOCATION OF THE  
DIRECTORATE OF SPECIAL OPERATIONS: INVITATION FOR SUBMISSION**

1. The President of the Republic of South Africa has under Section 84(2) of the Constitution (Act 108 of 1996) and in terms of Government Notice No. R137 dated 1 April 2005 published in the Government Gazette No.27446, appointed a Commission of Inquiry into the Mandate and Location of the Directorate of Special Operations.

The terms of reference of the Commission are- having regard to the Constitution and the relevant legislation, policies and guidelines- to inquire into, making findings, report on and make recommendations regarding the following matters:

- 1.1 The rationale behind the establishment of the Directorate of Special Operations ("DSO") and its location;
- 1.2 The mandate of the DSO and an evaluation of the implementation thereof;
- 1.3 The systems for management, control, communication, oversight and accountability by the DSO;
- 1.4 The accountability, effectiveness, efficiency and oversight in respect of the intelligence operations of the DSO;

- 1.5 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;
  - 1.6 The systems for coordination and cooperation between the SAPS and the intelligence agencies on the one hand and the DSO on the other;
  - 1.7 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
  - 1.8 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. The Commission is to report to the President within three (3) months from date of proclamation, or as soon as possible thereafter.
  3. This serves to invite you to make written submissions to the Commission by way of an affidavit, in respect of each and every aspect of the terms of reference, by not later than 17 June 2005, the latter being the cut-off date for the receiving of submissions. Such submissions shall identify confidential or other classified elements in the representations and have those sealed and dispatched accordingly.
  4. Upon receipt of written submissions, the Commission may require, on notice, a deponent or any person to appear before it in order to make oral representations on specified aspects of the terms of reference and in such notice give direction with regard to such oral representations.
  5. In terms of Proclamation No. R16, 2005 dated 1 April 2005 and published in the Government Gazette, regulations have been promulgated with reference to the said Commission.
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Kindly direct your written representation to the address indicated hereunder, being the seat of the Commission:


The Secretariat: Khampepe Commission of Inquiry  
The High Court of South Africa  
The Palace of Justice, Room 160  
Church Square  
PRETORIA

Private Bag X 83  
Telephone: 012- 314 9006  
Fax: 086 682 6936  
Email address: Skhampepe@justice.gov.za

Any inquiries should be directed to Ms Gugu Ncongwane at telephone no. (012) 314 9006

By Order

(The Honourable Ms Justice Sisi Khampepe)  
(Chairperson of the Commission)

	<b>THE GOVERNMENT PRINTING WORKS</b>
	<b>PUBLICATIONS DIVISION</b>
	<p>NB: The Publications Division of the Government Printing Works will be relocating to its new premises within the:</p> <p><b>MASADA BUILDING at 196 PROES STREET, PRETORIA (i.e. CORNER OF PAUL KRUGER AND PROES STREETS)</b></p> <p>with effect from 3 May 2005.</p> <p>For enquiries and information:</p> <p><b>Mr MZ Montjane</b> <b>Tel: (012) 334-4653</b> <b>Cell: 083 640 6121</b></p>