



Government Gazette

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

GENERAL NOTICE

NOTICE 2585 OF 2003**PRESIDENT'S MINUTE NO. 556**

WHEREAS, on 18 September 2003 under President's Minute Number 550, I, in terms of 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 Allegations of Spying Against the National Director of Public Prosecutions, Mr BT Ngcuka, under the Chairmanship of the Honourable Mr Justice JOSEPHUS JOHANNES FRANCOIS HEFER, with terms of reference as per Annexure; and

WHEREAS, it has now become necessary to extend the terms of reference of the Commission;

NOW THEREFORE, I hereby extend the terms of reference of the Commission for the Commission to also inquire into, make findings, report on and make recommendations concerning the following:

Whether the National Director of Public Prosecutions, Mr BT Ngcuka or the Minister referred to in section 33 of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), has improperly and in violation of the law, directly or indirectly, taken advantage of or misused the prosecuting authority and, in particular, abused, advanced, promoted, prejudiced or undermined the rights and/or interests of any person or organisation, due to alleged past obligations to the apartheid regime.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this 7th day of October Two Thousand and Three.

**PRESIDENT****MINISTER OF THE CABINET**

**TERMS OF REFERENCE
OF THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
TO THE
COMMISSION OF INQUIRY INTO ALLEGATIONS OF SPYING AGAINST
THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS,
MR B T NGCUKA**

1. The Commission shall inquire into, make findings, report on and make recommendations concerning the following:
Whether at any stage prior to 1994, the National Director of Public Prosecutions, Mr B T Ngcuka, was -
 - (a) registered with the security branch or any other security service of any pre-1994 government as an agent under the code name RS452 or under any other code name; and
 - (b) acting as an agent for the Security Police and/or National Intelligence Service of any pre-1994 government.
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 one month or as soon as possible thereafter.
4. The Commission shall have the power to publish 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.

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