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GENERAL NOTICE

NOTICE 3295 OF 2003

President's Minute No. 611

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 108 of 1996), appointed a Commission of Inquiry into Allegations of Spying Against the National Director of Public Prosecutions, Mr B T NGCUKA, under the Chairmanship of the Honourable Mr Justice JOSEPHUS JOHANNES FRANCOIS HEFER; and

WHEREAS on the 7th day of October 2003 under President's Minute Number 556, I extended the terms of reference of the Commission; and

WHEREAS Mr SATHYANDRANATH RAGUNANAN MAHARAJ, in a televised interview made allegations to the effect that the National Director of Public Prosecutions, Mr B T NGCUKA, was an agent of the apartheid government; and

WHEREAS Mr RIEAZ SHAIK made similar allegations, also in a televised interview;

NOW THEREFORE, I hereby amend the terms of reference of the Commission as follows:


The Commission shall inquire into, make findings and report on:

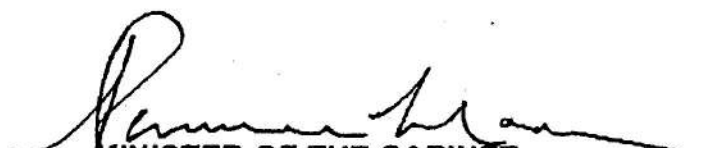
1. The Allegations made by Messrs MAHARAJ and SHAIK that the National Director of Public Prosecutions was an agent of the security services of the pre-1994 government under code name RS452 or any other code name and, as a result thereof, improperly and in violation of the law, taken advantage of or misused the prosecuting authority and, in particular, abused, advanced, promoted, prejudiced or undermined the rights and/or interests of any person or organisation;
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.

All previous terms of reference are hereby rescinded.

Given under my Hand and the Seal of the Republic of South Africa at CAPE TOWN on this 11th day of NOVEMBER Two Thousand and Three.


PRESIDENT


MINISTER OF THE CABINET

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