

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 1, 2002

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996): REFERRAL OF MATTERS TO SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), have been made in respect of the affairs of the Witness Protection Office: KwaZulu-Natal (hereinafter referred to as "the Witness Protection Office");

AND WHEREAS I deem it necessary that the said allegations should be investigated and justiciable civil disputes emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2 (1) of the said Act refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of justiciable civil disputes emanating from such investigation to the Special Tribunal established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of those matters, the terms of reference of the Special Investigating Unit, which has the powers, duties and functions assigned to or conferred upon it by the Act, are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Witness Protection Office;
- (b) improper or unlawful conduct by employees of the Witness Protection Office;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;

(f) corruption in connection with the affairs of the Witness Protection Office;

or

(g) unlawful or improper conduct by any person which has caused or may cause serious harm to the interests of the public or any category thereof,

which has taken place between January 1995 and the date of publication of this Proclamation.

Given under my Hand at Pretoria this Seventh day of December Two thousand and one.

T. M. MBEKI
President

By Order of the President-in-Cabinet:

P. M. MADUNA
Minister of the Cabinet

SCHEDULE

1. The failure of employees to comply with prescripts and directives pertaining to the incurring of expenditure and/or payments made by the Witness Protection Office.

2. Irregularities pertaining to the renting of accommodation to be utilised as places of safekeeping and/or payments made in respect thereof.

3. Improper or unlawful conduct by employees relating to the safekeeping of witnesses under the Witness Protection Programme.

4. The misuse and neglect of, and damage caused by employees to government vehicles allocated to the Witness Protection Office.

5. The unlawful, unauthorised and/or irregular payments made by employees to witnesses placed under the Witness Protection Programme.

6. Irregular conduct by employees pertaining to the placement of persons under the Witness Protection Programme.

7. Irregularities in respect of transportation of property and effects

of witnesses under the Witness Protection Programme.

8. The mismanagement by employees of money and property allocated to the Witness Protection Office.