

## PROCLAMATIONS • PROKLAMASIES

### PROCLAMATION NOTICE 264 OF 2025

by the  
**PRESIDENT of the REPUBLIC of SOUTH AFRICA**

#### **JUDICIAL COMMISSION OF INQUIRY TO INQUIRE INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES**

In terms of section 84(2)(f) of the Constitution of the Republic of South Africa, 1996, I hereby appoint a Judicial Commission of Inquiry to investigate allegations of whether efforts or attempts were made to stop the investigation or prosecution of the Truth and Reconciliation Commission cases with the terms of reference in the Schedule attached hereto and appoint the Honourable Madam Justice S Khampepe as its Chairperson and the Honourable Mr Justice F D Kgomo and Adv A Gabriel, SC, as members of the Commission.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 26<sup>th</sup> day of May Two thousand and twenty-five.

Mr CM Ramaphosa  
**President**

By Order of the President-in-Cabinet:

Ms MT Kubayi  
**Minister of the Cabinet**

### **SCHEDULE**

#### **TERMS OF REFERENCE OF THE JUDICIAL COMMISSION OF INQUIRY TO INQUIRE INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES**

A Judicial Commission of Inquiry ("the Commission") is hereby appointed in terms of section 84(2)(f) of the Constitution of the Republic of South Africa, 1996. The Commission is appointed to investigate matters of public and national interest concerning allegations regarding efforts or attempts having been made to stop the investigation or prosecution of Truth and Reconciliation Commission ("TRC") cases.

1. The Commission must, in relation to the period since 2003, inquire into, make findings, report on and make recommendations concerning the following, guided by the Constitution, relevant legislation, policies and guidelines—
  - 1.1 whether, why, and to what extent and by whom, efforts or attempts were made to influence or pressure members of the South African Police Service or the National Prosecuting Authority to stop investigating or prosecuting TRC cases;
  - 1.2 whether any members of the South African Police Service or the National Prosecuting Authority improperly colluded with such attempts to influence or pressure them; and
  - 1.3 whether any action should be taken by any Organ of State, including possible further investigations to be conducted or prosecutions to be instituted, where appropriate, of persons who may have acted unlawfully by—
    - 1.3.1 attempting to influence or pressure members of the South African Police Service or the National Prosecuting Authority to stop investigating or prosecuting TRC cases; or

- 1.3.2 members of the South African Police Service or the National Prosecuting Authority colluded with or succumbed to attempts to influence or pressure such members to stop investigating or prosecuting TRC cases; and
  - 1.4 whether, in terms of the law and fairness, the payment of any amount in constitutional damages to any person is appropriate.
2. Interested parties in the Commission, include the following parties:
  - 2.1 The parties in the application proceedings under North Gauteng Division of the High Court, Pretoria, in the case of *L B M Calata and 22 Others v the Government of the Republic of South Africa and 5 Others* (case number 2025-005245); and
  - 2.2 families of or victims in TRC cases, other than those applicants referred to in subparagraph 2.1, who have a substantial interest in the matter set out in paragraph 1, and who are admitted as parties in the Commission under the regulations that are made under the Commissions Act, 1947 (Act No. 8 of 1947).
3. These Terms of Reference may be added to, varied or amended by proclamation from time to time.
4. The Commissions Act, 1947, shall apply to the Commission, subject to such amendments, including amendments in relation to the Terms of Reference of the Commission, and exemptions as may be specified by proclamation from time to time.
5. Regulations may be made, after consultation with the Chairperson of the Commission, in terms of the Commissions Act, 1947, and shall apply to the Commission in order to enable the Commission to conduct its work meaningfully and effectively and to facilitate the gathering of evidence by conferring on the Commission powers as necessary, including the power to enter and search premises, secure the attendance of witnesses and compel the production of documents.
6. The Commission shall where appropriate, refer any matter for prosecution, further investigation or the convening of a separate enquiry to the appropriate law enforcement agency, government department or regulator.
7. The Commission must—
  - 7.1 complete its work within a period of 180 days from the date of this proclamation; and
  - 7.2 submit its report to the President within 60 days after the date on which the Commission completed its work.