

# R2K: Parliament needs to rein in its rogue secret committee!

Murray Hunter, national spokesperson for the Right2Know Campaign says R2K is outraged to learn that Parliament's intelligence committee, the Joint Standing Committee on Intelligence, has gone ahead in secret to interview candidates for the 'spy ombud', the Inspector General of Intelligence...



"Not only are the interviews closed, the JSCI did not even acknowledge that it was going ahead with the interviews and have ignored requests for information. For the past two months R2K and other organisations have repeatedly reached out to the Committee Chair, Hon Connie September, to call for an open process to appoint the next Inspector General - the same process that was followed in 2009. It seems these efforts have been disregarded. (See timeline below)

The Committee has gone to great lengths to keep the process a secret, refusing to even acknowledge that the interviews were scheduled to happen this week. Chair Connie September has ducked all public requests for information, and ignored all attempts to raise concern at the process that was being followed.

## Failed

The Committee has utterly failed to engage the public. After short-listing eight candidates for the job, the Committee gave only four working days for public comment, without releasing any information about the candidates except for their names. Requests for the Committee to release candidates' CVs or extend the window for comment went unanswered. Requests for information about whether or not the Committee intended to meet behind closed doors, and to give reasons for why secrecy was necessary, were also ignored.

That the Joint Standing Committee on Intelligence would go to such great lengths to dodge public concerns, and proceed with a secret and possibly unconstitutional process, is the latest example of its failure over many years to provide robust and public-minded oversight of South Africa's troubled intelligence sector.

The appointment of Inspector General of Intelligence is crucial to the public interest. This person must act as a public ombud, investigating complaints by members of the public of abuses of power and criminal activity in the intelligence structures. This could include allegations of invasions of privacy and illegal surveillance, of which there have been several reports in recent months.

## We demand answers!

- Why is the Committee deliberately undermining public participation?
- Why is the Committee choosing secrecy over transparency at every opportunity?
- Why is the Committee siding with intelligence structures instead of the public?
- What does Parliament intend to do to rein in this secretive rogue Committee?

## Timeline



An example of a phone tapping device used by intelligence services. (Image: Public Domain)

Recent allegations of unlawful spying:

- On 3 December 2014, Numsa officials reported that their members and activists in the United Front were being monitored by the State Security Agency.
- On 8 February 2015, journalists in Mpumalanga reported that Premier David Mabuza had boasted of receiving intelligence reports on their activities.
- On 13 February 2015, Business Day reported allegations that political journalists had been approached by representatives of the SSA to provide information on the EFF.

#### Timeline

18 Jan: *Sunday Times* reports that the Committee is due to short-list candidates for the post of Inspector General.

20 Jan: R2K writes to the Committee Chair, calling for an open recruitment process, including open interviews.

27 Jan: The Committee Chair responds, to the effect that no decision had yet been taken on whether the process would be open or closed. The letter refers to a public statement.

30 Jan: R2K writes to the Committee Chair, again highlighting the need for an open process, and requesting confirmation of when a decision would be taken, as well as a timeline for the overall recruitment process. We receive no response.

24 Feb: a subcommittee of the JSCI meets briefly to shortlist candidates in an open meeting, though no information is provided to public attendees about any candidates.

24 Feb: the JSCI makes a brief statement releasing the names of 8 candidates, but no further information, and gives 4 working days for public input. The Committee makes no mention of whether interviews would be open or closed.

8 Mar: *City Press* reports that the JSCI has already decided to conduct interviews behind closed doors. The JSCI makes no public statement.

9 March: R2K writes to the Speaker, the NCOP Chair and the JSCI Chair in protest, highlighting the Constitutional requirement for an open process and for any decision to adopt a closed process to be backed up by good reasons.

11 March: The Institute for Security Studies writes a letter of concern to the JSCI Chair highlighting the need for a transparent process with full participation. There is no response.

17 March: R2K receives a response from the Speaker's office, dated 12 March, washing its hands of the matter.

17 March: The Democratic Alliance announces that the JSCI has already begun interviewing candidates in secret. The JSCI has still not made a public statement on the matter.

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