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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE R. 280 OF 2025**DETERMINATION OF THE SEAT OF THE JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM ARISING FROM SPECIFIC ALLEGATIONS MADE BY LIEUTENANT GENERAL NHLANHLA MKHWANAZI ON 6 JULY 2025**

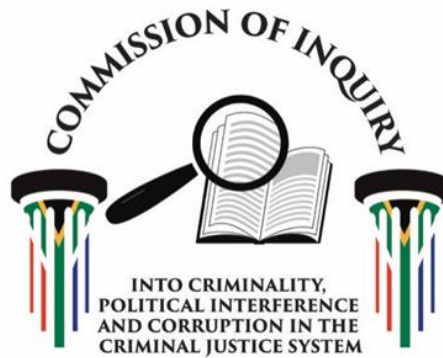
In terms of regulation 13(1) of the Regulations of the Judicial Commission of Inquiry into Criminality, Political Interference and Corruption in the Criminal Justice System Arising from Specific Allegations Made by Lieutenant General Nhlanhla Mkhwanazi on 6 July 2025, I determine that the seat of Commission is Pretoria.

Mbuyiseli Madlanga
COMMISSION CHAIRPERSON

PROKLAMASIE KENNISGEWING R. 280 VAN 2025**VASSTELLING VAN SETEL VAN DIE REGTERLIKE KOMMISSIE VAN ONDERSOEK MET BETREKKING TOT KRIMINELE GEDRAG, POLITIESE INMENGING EN KORRUPTIE IN DIE STRAFREGSTELSEL VOORTSPRUITEND UIT BEPAALDE AANTUIGINGS OPENBAAR GEMAAK DEUR LUITENANT-GENERAAL NHLANHLA MKHWANAZI OP 6 JULIE 2025**

Kragtens regulasie 13(1) van die Regulasies van die Regterlike Kommissie van Onderzoek met betrekking tot Kriminele Gedrag, Politiese Inmenging en Korruptie in die Strafrekstelsel voortspruitend uit bepaalde aantuigings openbaar gemaak deur Luitenant-Generaal Nhlanhla Mkhwanazi op 6 Julie 2025, bepaal ek dat die setel van die Kommissie, Pretoria is.

Mbuyiseli Madlanga
KOMMISSIE VOORSITTER



NOTICE

RULES GOVERNING PROCEEDINGS OF THE JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM ARISING FROM SPECIFIC ALLEGATIONS MADE BY LIEUTENANT GENERAL NHLANHLA MKHWANAZI ON 6 JULY 2025

I, Mr Justice Mbuyiseli Madlanga, hereby, under Regulation 14(1) of the Regulations of the Judicial Commission of Inquiry into Criminality, Political Interference and Corruption in the Criminal Justice System Arising from Specific Allegations Made by Lieutenant General Nhlanhla Mkhwanazi on 6 July 2025 (the Regulations), issue the Rules attached in the Schedule to this Notice.

Mbuyiseli Madlanga
COMMISSION CHAIRPERSON

SCHEDULE

RULES GOVERNING PROCEEDINGS OF THE JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM ARISING FROM SPECIFIC ALLEGATIONS MADE PUBLIC BY LIEUTENANT GENERAL NHLANHLA MKHWANAZI ON 6 JULY 2025

ARRANGEMENT OF RULES

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1. Definitions

Unless otherwise stated or the context indicates otherwise, in these Rules—

- 1.1. “**Act**” means the Commissions Act, 1947 (Act No. 8 of 1947).
- 1.2. “**Chairperson**” means Justice Mbuyiseli Madlanga, in his capacity as Chairperson of the Commission.
- 1.3. “**Commission**” means the Judicial Commission of Inquiry into Allegations of Criminality, Political Interference and Corruption in the Criminal Justice System Arising from the Specific Allegations Made by Lieutenant General Mkhwanazi on 6 July 2025, as constituted by the President of the Republic of South Africa in terms of Government *Gazette* Notice No. 53048 of 23 July 2025.

- 1.4. **“Commission’s Legal Team”** means the team of lawyers appointed by the Chairperson to assist the Commission in the investigation and with the presentation of evidence and arguments before the Commission in regard to the matters referred to in the Terms of Reference.
- 1.5. **“Constitution”** means the Constitution of the Republic of South Africa, 1996.
- 1.6. **“Evidence”** means facts or information given by a witness before the Commission or presented to the Commission in any other form and includes but is not limited to any document, including in written or in electronic form, affidavit, video, sound recording or oral testimony submitted to the Commission.
- 1.7. **“Legal representative”** means a practising advocate or attorney duly enrolled in terms of the Legal Practice Act, 2014 (Act No. 28 of 2014).
- 1.8. **“Person”** includes both a natural and a juristic person.
- 1.9. **“Personal information”** means all information of a personal and private nature pertaining to an individual including but not limited to private addresses, private telephone numbers, private family information and details of medical conditions.
- 1.10. **“Regulations”** means the Regulations of the Commission published in the Schedule to Proclamation No. 277 published in Government Gazette No. 53183 of 2025.
- 1.11. **“Rules”** means these Rules as amended by the Chairperson from time to time.
- 1.12. **“Secretary of the Commission”** or **“Secretary”** means the person appointed by the Chairperson as Secretary of the Commission as provided for in the Regulations.
- 1.13. **“Terms of Reference”** means the terms of reference of the Commission published in the schedule to Proclamation No. 269 of 2025 published in Government Gazette No. 53048 of 23 July 2025.

2. **Commission to keep the public informed**

The Commission must regularly inform the public of the matters to be covered at its hearings by publishing relevant information on its website or other medium.

3. **Witnesses presented by the Commission’s Legal Team and implicated persons and their evidence**

- 3.1. The Commission may, by notice, invite any person with information relevant to the Commission's Terms of Reference to appear before the Commission to submit all such relevant information to the Commission in the manner prescribed in these Rules.
- 3.2. Any person may apply to the Chairperson for leave to present evidence on any matter relevant to the Commission's Terms of Reference. Such application must succinctly set out the matters the person intends to testify upon. If a person is granted such leave they must comply with the terms of these Rules and any such condition as the Chairperson may impose.
- 3.3. Save as provided otherwise in these Rules and subject to the Chairperson's directions in regard to any specific witness, the Commission's Legal Team bears the overall responsibility to present the evidence of witnesses to the Commission.
- 3.4. A member of the Commission's Legal Team may put questions to a witness whose evidence is presented to the Commission by such member including questions aimed at assisting the Commission in assessing the truthfulness of the evidence of such witness.
- 3.5. If the Commission's Legal Team intends to present to the Commission a witness whose evidence implicates another person, it must, through the Secretary of the Commission, notify that person ("**person of interest**") in writing within a reasonable time before the witness gives evidence (publicly or in camera) or after the witness has given evidence if prior notice is not feasible, depending on what is reasonable and fair in the circumstances:
 - 3.5.1. that they are a person of interest;
 - 3.5.2. in what way they are implicated and where appropriate furnish them with the witness's statement or relevant portions of the statement;
 - 3.5.3. that the person must prepare and submit to the Commission a statement within five calendar days from the date of such notification (or such time as may, on good cause, be determined by the Chairperson) in respect of the issues identified in terms of rule 3.5.2.
- 3.6. The Chairperson may, at any time, direct any person against whom allegations are made in a witness's statement or evidence to respond in writing to the allegations relating to them in that statement or evidence and / or to answer, in

writing, specific questions put to them arising from the witness's statement or evidence.

3.7. Where a person of interest wishes:

3.7.1. to give evidence; and

3.7.2. to call any witness to give evidence on their behalf,

they must, within five calendar days from the date of notice (or such time as may, on good cause, be determined by the Chairperson), apply in writing to the Commission for leave to do so.

3.8. The application in terms of rule 3.7 must be accompanied by a sworn statement from the person of interest responding to the notice from the Commission or the witness's statement (whichever is applicable) in so far as it implicates them. The statement must make it clear what parts of the notice or the witness's statement are disputed or denied and the grounds upon which those parts are disputed or denied and be supported by all relevant evidence in support of such denial.

3.9. In deciding an application contemplated in rule 3.7, the Chairperson may, in his discretion and on such terms and conditions as he may deem appropriate, grant leave to an implicated person:

3.9.1 to give evidence; and / or

3.9.2 to call a witness to give evidence on their behalf.

3.10. In accordance with Regulation 8(3), there is no automatic right by any person to cross-examine a witness before the Commission. The Chairperson may permit cross-examination and on such terms as he may determine should he deem it necessary and in the best interests of the work of the Commission to do so. Following cross-examination, a member of the Commission's Legal Team may, with the leave of the Chairperson, put questions to the witness that are necessary and in the best interests of the functions of the Commission.

3.11. If the Chairperson grants leave to a person of interest in terms of rule 3.7, a member of the Commission's Legal Team may put questions to any witness who gives evidence pursuant to that ruling, including questions aimed at assisting the Commission in assessing the truthfulness of the evidence of the witness.

- 3.12. If the Chairperson grants any person leave to cross-examine a witness in terms of rule 3.10, the witness shall be recalled with reasonable notice to the witness.
- 3.13. Where it was not known before a witness gave evidence that such witness would implicate a person, the Chairperson may make such directions as may be necessary to ensure that such person is not prejudiced, including (but not limited to) the following:
- 3.13.1. notifying the person that they have been implicated by the witness;
- 3.13.2. furnishing the person with a transcript of the relevant evidence where appropriate;
- 3.13.3. inviting the person to prepare a statement within five calendar days from the date of such notice (or such time as may, on good cause, be determined by the Chairperson) in respect of the issues that implicate them; and
- 3.13.4. affording the person an opportunity to give evidence in the manner provided for in these Rules.

4. Hearings must be held in public

- 4.1. Subject to rule 4.2, the hearings of the Commission will be held in public and there must be physical attendance of all parties involved.
- 4.2. In an appropriate case, the Chairperson may make an order that a hearing be held in camera or via electronic means. In such a case, the Chairperson shall specify in the order those persons who will be permitted to attend the hearing in camera or by some other means.
- 4.3. At the request of the witness whose evidence is to be heard in camera, or, *mero motu*, the Chairperson must order that nobody may, directly or indirectly, disclose the identity of the witness who is to give evidence in camera.

5. Venue for hearings

- 5.1. Subject to rule 5.2, the hearings of the Commission will be held at the Brigitte Mabandla Justice College, 332 Johannes Ramokhoase Street, Pretoria, in the Gauteng Province.

- 5.2. The Chairperson may, in his discretion, direct that a hearing or certain hearings of the Commission will be held at a venue other than the venue referred to in rule 5.1.

6. Evidence presented to the Commission

- 6.1. The Commission may receive any evidence that is relevant to its mandate, including evidence that might otherwise be inadmissible in a court of law.
- 6.2. Anyone who has knowledge of the matters that fall within the Terms of Reference of the Commission may deliver to the Secretary of the Commission at the Commission's address or through electronic means a statement under oath or affidavit setting out information concerning that knowledge and the Secretary of the Commission will hand it over to the Commission's Legal Team for consideration.
- 6.3. Affidavits or statements that are submitted to the Commission should:
- 6.3.1. be formatted in numbered paragraphs; and
 - 6.3.2. include an index and subject matter headings if the statement or affidavit is more than five pages in length.
- 6.4. Where a person seeks to provide expert evidence to the Commission, their evidence must include a summary of relevant qualifications and experience, a summary of the expert's opinion, as well as an explanation of the relevance of the expert's testimony to the work of the Commission. The expert summary must be in a form which is as near as possible to the format applicable in High Court proceedings.
- 6.5. Where the evidence intended to be placed before the Commission has previously been placed before another Commission or tribunal or Court or body, that fact must be disclosed by the person submitting that evidence in order for the Commission to secure the relevant transcript in respect of those proceedings.

7. Oral Evidence at the Hearings

- 7.1. Witnesses will be called to give oral evidence before the Commission at the discretion of the Chairperson.
- 7.2. The Chairperson's decision for a witness to be called will be informed by the likely significance of the evidence in advancing the work of the Commission.

- 7.3 A witness appearing before the Commission may be assisted by a legal representative.

8. Order of evidence of a witness

- 8.1. The order or sequence in which witnesses will be called before the Commission will be subject to the discretion of the Chairperson.
- 8.2. In order to ensure an orderly presentation of evidence, the Chairperson may, in his discretion, direct that the cross-examination of a witness by an implicated person or their legal representative must take place after the Commission's Legal Team and the Chairperson have exhausted their respective questions to the witness.

9. Other witnesses

- 9.1. If any person considers that a particular witness should be called to give oral evidence, a written request to this effect should be made to the Commission and shall include the reasons for the request and the likely value of the evidence of such witness. Such witness may be called at the discretion of the Chairperson.
- 9.2. A witness may apply to the Chairperson, at least two weeks before they are scheduled to appear at a hearing, to have their evidence taken in camera or through some other electronic means. Such application must be in writing and must give reasons why such an order should be made. The Chairperson will decide that application in his discretion.

10. Call for documents

- 10.1. In terms of section 3(1) of the Commissions Act, read with Regulation 10(6), the Chairperson may summon any person to produce a document in their possession or under their control which has a bearing on the matter being investigated.
- 10.2. Any person to whom such a summons to produce a document is directed must, within ten days of receiving the summons, produce the documents requested or submit an affidavit to the Commission explaining why the person cannot produce those documents.
- 10.3. Should a person claim that a document referred to in the summons is subject to legal professional privilege, they must:

- 10.3.1. identify the document in respect of which privilege is claimed; and
- 10.3.2. explain the basis for the claim of privilege in relation to each document.
- 10.4. Should a person claim that a document referred to in the summons is confidential for a reason other than that it is subject to legal professional privilege, such as that it is commercially sensitive or includes personal information, they must produce the document but must specify that the document, or part of it, should not be made public and must make application for the document (or part of it) to be treated as confidential in the investigation of the Commission. The application must be in writing and must set out:
 - 10.4.1. what portions of document are claimed to be confidential; and
 - 10.4.2. why those portions should not be publicly disclosed.
- 10.5. The Chairperson shall consider all claims of confidentiality for documents provided to the Commission and shall rule on whether the document will be treated as confidential.
- 10.6. If the document (or part of it) is determined to be confidential, it will not be included, or will be included only in redacted form to protect the confidentiality, in any of the Commission's publications not referred to, in relevant part, in public hearings.
- 10.7. If the document is determined not to be confidential, it may be referred to in the Commission's publications and at public hearings.
- 10.8. The Commission shall notify the person who made a claim of confidentiality for a document of the Chairperson's determination prior to the document being referred to in a publication or at a public hearing.

11. General

- 11.1. These Rules are adopted to ensure the efficient functioning of the Commission, and are not intended to be exhaustive.
- 11.2. Any procedural matter arising during the Commission's proceedings that is not explicitly addressed or provided for in these Rules shall be resolved by direction of the Chairperson. Before such direction, the Chairperson shall give due consideration to the rights of all parties to be directly affected by the proposed direction.

- 11.3 Any party wishing to make any application to the Commission which is not otherwise provided for in the Rules must do so on at least seven calendar days' notice in writing to the Commission but the Chairperson may condone non-compliance with this notice period on good cause shown.
- 11.4 The Commission may condone non-compliance with, or extend, any time-frame provided for in these Rules on good cause shown or when it is in the interests of the work of the Commission to do so.
- 11.5 Wherever these Rules make provision for any person to apply to the Commission or to the Chairperson, the application must be a substantive application on affidavit with a notice of motion. The affidavit must, among other things, be succinct and reflect the relevant facts, the order sought and the grounds relied upon in support of such order.
- 11.6 The application must be lodged with the Secretary of the Commission (by delivering it at the Commission's address or through electronic means) who will ensure that the original is brought to the attention of the Chairperson and a copy to the Commission's Legal Team.
- 11.7 The applicant in that application must cite every other person whose rights may be affected by the order sought and serve a copy on that person.
- 11.8 As soon as possible after the Chairperson has become aware of such an application, he must issue such direction or order as to the future conduct of the matter as he may consider appropriate.

12. Practice directions

The Chairperson may issue practice directions from time to time in regard to the proceedings of the Commission.

13. Decorum and Manner of address of the Commissioners

- 13.1. All witnesses, implicated persons and legal representatives appearing at the Commission shall treat all the other parties with respect and maintain the decorum usually associated with formal proceedings of the nature of the Commission. The Chairperson may at his discretion exclude from the proceedings or take any appropriate action against any person who disrupts the hearings of the Commission.
- 13.2. The witnesses and legal representatives appearing before the Commission

shall address the Chairperson of the Commission as “Chairperson” and his co-commissioners as “Commissioner” or “Commissioner followed by Surname”.

- 13.3. All the other witnesses and legal representatives appearing at the Commission shall be addressed as “Mr” or “Ms” followed by their surname, save that a witness may indicate to the Commission their preference on how to be addressed. Where police and other security officials of a particular rank appear before the Commission, they may be addressed by their official rank followed by their surname.

14. Media Coverage

- 14.1. Unless otherwise directed by the Chairperson in relation to specific witnesses or evidence, the media may broadcast and report on the proceedings of the Commission.
- 14.2. Any media entity wishing to broadcast and report on the Commission’s proceedings must notify the Secretary of the Commission in advance of the hearings to facilitate the necessary accreditation and security arrangements.
- 14.3. It may not be feasible to accommodate all media entities at the Commission’s hearings. The Chairperson may accordingly limit the number of media entities present or impose conditions on media attendance at the Commission’s hearings.
- 14.4. Cameras and microphones must be in place before the hearing commences, and may not be moved during the proceedings.
- 14.5. The audio recording and close-up filming of private discussions amongst Commissioners, the Commission’s Legal Team and legal representatives of witnesses are strictly forbidden.
- 14.6. The Commission reserves the right to exclude from the proceedings any member of the media who does not observe these Rules, or who impairs or threatens the smooth running of the Commission’s hearings.
- 14.7. The Commission may livestream its hearings.

15. Amendment of Rules

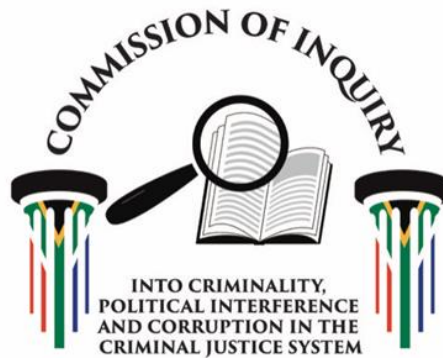
The Chairperson may amend these Rules from time to time.

16. Effective date of the Rules

These Rules shall come into operation on the date of publication in the *Government Gazette*.

17. Citation of the Rules

These Rules shall be called the Rules of the Judicial Commission of Inquiry into Allegations of Criminality, Political Interference and Corruption in the Criminal Justice System Arising from the Specific Allegations Made by Lieutenant General Nhlanhla Mkhwanazi on 6 July 2025.



KENNISGEWING

REËLS MET BETREKKING TOT VERRIGTINGE VAN DIE REGTERLIKE KOMMISSIE VAN ONDERSOEK MET BETREKKING TOT KRIMINELE GEDRAG, POLITIESE INMENGING EN KORRUPSIE IN DIE STRAFREGSTELSEL VOORTSPRUITEND UIT BEPAALDE AANTUIGINGS OPENBAAR GEMAAK DEUR LUITENANT-GENERAAL NHLANHLA MKHWANAZI OP 6 JULIE 2025

Ek, Regter Mbuyiseli Madlanga, hierby, kragtens Regulasie 14(1) van die Regulasies van die Regterlike Kommissie van Onderzoek met betrekking tot Kriminele Gedrag, Politiese Inmenging en Korruptsie in die Strafrekstelsel Voortspruitend uit Bepaalde Aantugings Gemaak deur Luitenant-Generaal Nhlanhla Mkhwanazi op 6 Julie 2025 (die Regulasies) reik die reëls in die Bylae uit.

Mbuyiseli Madlanga
KOMMISSIE VOORSITTER

BYLAE**REËLS MET BETREKKING TOT VERRIGTINGE VAN DIE REGTERLIKE KOMMISSIE VAN ONDERSOEK MET BETREKKING TOT KRIMINELE GEDRAG, POLITIESE INMENGING EN KORRUPSIE IN DIE STRAFREGSTELSEL VOORTSPRUITEND UIT BEPAALDE AANTUIGINGS OPENBAAR GEMAAK DEUR LUITENANT-GENERAAL NHLANHLA MKHWANAZI OP 6 JULIE 2025****INDELING VAN REËLS**

1. Woordomskrywings
2. Kommissie die publiek ingelig te hou
3. Getuies verteenwoordig deur Kommissie se Regsspan en geïmpliseerde persone en hul getuienis
4. Verhoor moet in openbaar gehou word
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15. Wysiging van Reëls
16. Inwerkingtreding van Reëls
17. Aanhaling van Reëls

1. Woordomskrywing

Tensy anders uitgedruk of indien die teendeel blyk, in hierdie Reëls beteken—

- 1.1. **“Wet”** die Kommissiewet, 1947 (Wet No. 8 van 1947).
- 1.2. **“Voorsitter”** Regter Mbuyiseli Madlanga, in sy hoedanigheid as Voorsitter van die Kommissie.
- 1.3. **“Kommissie”** die Regterlike Kommissie van Onderzoek met betrekking tot Kriminele Gedrag, Politiese Inmenging en Korruptie in die Strafrekstelsel voortspuitend uit bepaalde aantuigings openbaar gemaak deur Luitenant-

Generaal Nhlanhla Mkhwanazi op 6 Julie 2025, soos ingestel deur die President van die Republiek van Suid-Afrika ingevolge *Staatskoerant* Kennisgewing No. 53048 van 23 Julie 2025.

- 1.4. “**Kommissie se Regsspan**” die span van regsgeleerdes deur die Voorsitter aangestel om die Voorsitter van hulp te wees in die ondersoek en met die aanbod van getuienis en argumente voor die Kommissie te plaas met betrekking tot die aangeleenthede in die Opdrag vermeld.
- 1.5. “**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996.
- 1.6. “**Getuienis**” feite of inligting deur ‘n getuie voor die Kommissie gegee of aan die Kommissie oorgelê in enige ander form met inbegrip van, maar is nie beperk nie tot, enige dokument, met inbegrip van elektroniese formaat, beëdigde verklaring, video, klank opname of mondelinge getuienis aan die Kommissie oorgelê.
- 1.7. “**Regsverteenwoordiger**” ‘n praktiserende advokaat of prokureur wat behoorlik ingevolge die “Legal Practice Act”, 2014 (Wet No. 28 van 2014), toegelaat is.
- 1.8. “**Persoon**” met inbegrip van ‘n natuurlike of regspersoon.
- 1.9. “**Persoonlike inligting**” alle inligting van ‘n persoonlike of private aard met betrekking tot ‘n individu met inbegrip van, maar nie beperk nie tot, privaat adresse, privaat telefoon nommers, privaat familie inligting en inligting aangaande mediese toestande.
- 1.10. “**Regulasies**” die Regulasies van die Kommissie in die Bylae tot Proklamasie No.277 in *Staatskoerant* No. 53183 of 2025, gepubliseer.
- 1.11. “**Reëls**” hierdie Reëls soos deur die Voorsitter van tyd tot tyd gewysig.
- 1.12. “**Sekretaris van die Kommissie**” of “**Sekretaris**” die persoon wat, soos deur die Regulasies voorsien word deur, die Voorsitter aangestel is.
- 1.13. “**Opdrag**” die opdrag van die Kommissie wat in die Bylae tot Proklamasie No. 269 van 2025 in *Staatskoerant* No. 53048 van 23 Julie 2025, gepubliseer is.

2. **Kommissie die publiek ingelig te hou**

Die Kommissie moet gereeld die publiek inlig van die aangeleenthede wat aangespreek gaan word by sy verrigtinge deur relevante inligting op sy webblad of ander forum te publiseer.

3. Getuies verteenwoordig deur Kommissie se Regsspan en geïmpliseerde persone en hul getuienis

- 3.1. Die Kommissie kan, by wyse van kennisgewing, enige persoon met inligting relevant tot die Kommissie se Opdrag uitnooi om voor die Kommissie te verskyn om alle sodanige relevante inligting aan die Kommissie, op 'n wyse soos in hierdie Reëls voorgeskryf, oor te lê.
- 3.2. Enige persoon mag by die Voorsitter aansoek doen om toestemming om getuienis aangaande enige aangeleentheid relevant tot die Kommissie se Opdrag aan te bied. Sodanige aansoek moet saaklik die aangeleenthede waaroor die persoon bedoel om te getuig uiteensit. Indien 'n persoon sodanige toestemming verleen is moet hulle die bepalinge van hierdie Reëls en enige sodanige voorwaarde as wat die Voorsitter mag bepaal, nakom.
- 3.3. Behalwe as anders bepaal in hierdie Reëls en onderhewig aan die Voorsitter se aanwysings in verband met enige bepaalde getuie, die Kommissie se Regsspan dra die oorhoofse verantwoordelikheid om die getuienis van getuies aan die Kommissie aan te bied.
- 3.4. 'n Lid van die Kommissie se Regsspan mag vrae aan 'n getuie wie se getuienis aan die Kommissie aangebied word stel deur sodanige lid, met inbegrip van vrae wat daarop gemik is om die Kommissie van hulp te wees om die waarheid van die getuienis van sodanige getuie te beoordeel.
- 3.5. Indien die Kommissie se Regsspan bedoel om 'n getuie aan die Kommissie aan te bied wie se getuienis 'n ander persoon gaan impliseer, moet hulle, deur die Sekretaris van die Kommissie, sodanige persoon ("**geïmpliseerde persoon**") skriftelik binne 'n redelike tyd voordat die getuie oor te lê (in die openbaar of in camera) of nadat die getuie getuig het indien vooraf kennisgewing nie moontlik is nie, afhangende wat redelik en regverdig is onder die omstandighede:
 - 3.5.1. dat hulle 'n geïmpliseerde persoon is;
 - 3.5.2. op welke wyse hulle geïmpliseer word en waar dienlik hulle met die getuie se verklaring of relevante gedeeltes van die verklaring te voorsien;
 - 3.5.3. dat die persoon 'n verklaring moet voorberei en aan die Kommissie binne vyf kalender dae oor lê vanaf die datum van sodanige kennisgewing (of sodanige tydperk as wat, op goeie gronde, deur die

Voorsitter bepaal word) ten opsigte van die aangeleenthede wat ingevolge reël 3.5.2 geïdentifiseer is.

- 3.6. Die Voorsitter mag, ter eniger tyd, enige persoon teen wie aantuigings in 'n getuie se verklaring of getuienis gemaak word, beveel om skriftelik op die aantuigings met betrekking tot hulle te reageer in die verklaring en / of te antwoord, skriftelik, bepaalde vrae aan hulle gestel wat uit die getuie se verklaring of getuienis voortspruit.
- 3.7. Waar 'n geïmpliseerde persoon van plan is om:
- 3.7.1. te getuig; en
- 3.7.2. enige getuie te roep om getuienis namens hulle af te lê,
- moet hulle, binne vyf kalender dae vanaf die datum van die kennisgewing (of sodanige tydperk, op goeie gronde, as wat die Voorsitter mag bepaal), skriftelik aansoek doen tot die Kommissie om verlof om so te doen.
- 3.8. Die aansoek ingevolge reël 3.7 moet met 'n beëdigde verklaring van die geïmpliseerde persoon vergesel word wat op die kennisgewing van die Kommissie of die getuie se verklaring (wat ookal van toepassing is) vir soverre dit hulle impliseer. Die verklaring moet dit duidelik maak welke gedeeltes van die getuie se verklaring word betwis of ontken en die gronde waarvolgens daardie gedeeltes betwis of ontken word en moet met stawende getuienis ter ondersteuning van sodanige ontkenning vergesel word.
- 3.9. Die Voorsitter mag, ter besluitneming van 'n aansoek beoog by reël 3.7, in sy diskresie en op sodanige terme en voorwaardes as wat hy mag goedvind, verlof tot 'n geïmpliseerde persoon toestaan om:
- 3.9.1. getuienis te lewer; en / of
- 3.9.2. 'n getuie te roep om getuienis namens hulle af te lê.
- 3.10. In ooreenstemming met Regulasie 8(3), is daar geen outomatiese reg deur enige persoon om 'n getuie voor die Kommissie te kruis-ondervra nie. Die Voorsitter kan op sodanige voorwaardes as wat hy mag bepaal indien hy dit nodig en in die beste belange van die werk van die Kommissie ag kruisondervraging toelaat. Na kruisondervraging kan 'n lid van die Kommissie se Regsspan, met toestemming van die Voorsitter, vrae aan die getuie stel wat nodig en in die beste belange van die werksaamhede van die Kommissie is.

- 3.11. Indien die Voorsitter toestemming aan 'n geïmpliseerde persoon ingevolge reël 3.7 verleen, kan 'n lid van die Kommissie se Regsspan vrae aan enige getuie stel wat getuienis aanbied in navolging van daardie besluit, met inbegrip van vrae wat daarop gemik is om die Kommissie van hulp te wees om die waarheid van die getuienis van die getuie te bepaal.
- 3.12. Indien die Voorsitter 'n persoon toestemming verleen om 'n getuie ingevolge reël 3.10 te kruisondervra, sal die getuie met redelike kennisgewing aan die getuie daartoe opgeroep word.
- 3.13. Indien dit nie vooraf bekend was dat 'n getuie wat getuienis afgelê het 'n persoon sou impliseer nie, kan die Voorsitter sodanige aanwysings maak as wat nodig mag wees ten einde te verseker dat sodanige persoon nie benadeel word nie, met inbegrip (maar nie beperk nie) tot die volgende:
- 3.13.1. die persoon inlig dat hulle deur 'n getuie geïmpliseer is;
- 3.13.2. die getuie met 'n transkripsie waar nodig van die getuienis verskaf word;
- 3.13.3. die persoon uitnoodig om 'n verklaring binne vyf kalender dae vanaf die datum van sodanige kennisgewing (of sodanige tydperk as wat, op goeie gronde deur die Voorsitter bepaal word) ten opsigte van die aangeleenthede wat hulle impliseer, voor te berei; en
- 3.13.4. die persoon 'n geleentheid bied om getuienis soos voorsien deur hierdie Reëls aan te bied.

4. Verhoor moet in openbaar gehou word

- 4.1. Die verhoor van die Kommissie word, onderhewig aan reël 4.2, in die openbaar gehou en al die betrokke partye moet dit bywoon.
- 4.2. In 'n gepaste geval, kan die Voorsitter 'n bevel maak dat 'n betrokke verhoor in camera of via elektroniese formaat gehou word. In dusdanige geval moet die Voorsitter in sodanige bevel die volgorde van die persone wat toegelaat word om die verhoor in camera of op so 'n ander wyse, bepaal.

- 4.3. Op versoek van 'n getuie wie se getuienis in camera aangehoor staan te word, of, *mero motu*, moet die Voorsitter beveel dat niemand, direk of indirek, 'n getuie wat getuienis staan te lewer mag identifiseer nie.

5. Plek van verhoor

- 5.1. Die verhoor van die Kommissie word, onderhewig aan reël 5.2, by die Brigitte Mabandla Justisie Kollege, Johannes Ramokhoase Straat 332, Pretoria, in die Gauteng Provinsie gehou.
- 5.2. Die Voorsitter mag, in sy diskresie, bepaal dat 'n verhoor of sekere verhore van die Kommissie by 'n plek anders as die plek bedoel in reël 5.1 gehou word.

6. Getuienis aan Kommissie aangebied

- 6.1. Die Kommissie kan getuienis wat relevant is tot sy opdrag met inbegrip van getuienis wat andersins in 'n geregshof ontoelaatbaar is, aanhoor.
- 6.2. Enige persoon wat kennis het van aangeleenthede wat binne die Opdrag van die Kommissie val mag aan die Sekretaris van die Kommissie by die Kommissie se adres of op elektroniese wyse 'n verklaring onder eed of 'n beëdigde verklaring wat die inligting aangaande daardie kennis uiteensit, indien en die Sekretaris van die Kommissie moet dit aan die Kommissie se Regsspan ter oorweging oorhandig.
- 6.3. Beëdigde verklarings of verklarings wat aan die Kommissie oorhandig word moet:
- 6.3.1. in genumeerde paragrawe wees; en
- 6.3.2. 'n inhoudsopgawe en onderwerp opskrifte bevat indien die beëdigde verklaring of verklaring langer as vyf bladsye is.
- 6.4. Waar 'n persoon deskundige getuienis aan die Kommissie wil aanbied, moet hul getuienis 'n opsomming van toepaslike kwalifikasies en ondervinding, 'n opsomming van die deskundige getuie se opinie, asook 'n verduideliking van die toepaslikheid van die deskundige se getuienis tot die werk van die Kommissie bevat. Die deskundige opsomming moet in 'n vorm wees wat so na as moontlik is aan die formaat wat in Hoë Hof verrigtinge van toepassing is.
- 6.5. Waar die getuienis wat bedoel is om aan die Kommissie voorgelê te word voorheen aan 'n ander Kommissie of tribunaal of Hof of liggaam voorgelê is, moet die feit deur die persoon wat die getuienis aanbied openbaar ten einde

die Kommissie in staat te stel om die betrokke transkripsie ten opsigte van daardie verrigtinge te verkry.

7. Mondelinge getuienis by Verhoor

- 7.1. Getuies word op diskresie van die Voorsitter geroep om mondelinge getuienis aan die Kommissie voor te lê.
- 7.2. Die Voorsitter se besluit om 'n getuie te roep word ingelig deur die waarskynlike belangrikheid van die getuienis in die bevordering van die werk van die Kommissie.
- 7.3. 'n Getuie wat voor die Kommissie verskyn mag deur 'n regsverteenwoordiger bygestaan word.

8. Rangorde van getuienis van 'n getuie

- 8.1. Die rangorde waarin 'n getuie voor die Kommissie geroep word is onderhewig aan die diskresie van die Voorsitter.
- 8.2. Ten einde die ordelike aanbieding van getuienis te verseker, mag die Voorsitter, in sy diskresie, bepaal dat die kruisondervraging van 'n getuie deur 'n geïmpliseerde persoon of hul regsverteenwoordiger moet plaasvind nadat die Kommissie se Regsspan en die Voorsitter hul onderskeie vrae aan die getuie uitgeput het.

9. Ander getuies

- 9.1. Indien enige persoon van mening is dat 'n bepaalde getuie geroep behoort te word om mondelinge getuienis af te lê, moet 'n skriftelike versoek tot die effek tot die Kommissie maak word en moet die redes vir die versoek en die vermeende waarde van sodanige getuie vervat. Sodanige getuie mag op diskresie van die Voorsitter geroep word.
- 9.2. 'n Getuie kan by die Voorsitter aansoek doen, ten minste twee weke voor hulle geskeduleer is om by 'n verhoor te verskyn, om hul getuienis in camera of deur middel van 'n ander elektroniese wyse voor te lê. Sodanige aansoek moet op skrif wees en die redes verskaf waarom sodanige bevel gemaak moet word. Die Voorsitter sal die besluit in sy diskresie neem.

10. Versoek vir dokumentasie

- 10.1. Ingevolge artikel 3(1) van die Kommissiewet, gelees met Regulasie 10(6), kan die Voorsitter enige persoon oproep om 'n dokument in hul besit of onder hulle beheer wat betrokke is op die aangeleentheid onder ondersoek, oor te lê.
- 10.2. Enige persoon aan wie so 'n bevel om 'n dokument oor te lê gerig is, moet, binne tien dae vanaf ontvangs van die bevel, die versoekte dokumente verskaf of 'n beëdigde verklaring aan die Kommissie voorlê wat verduidelik waarom die persoon nie die dokumente kan voorlê nie.
- 10.3. Indien 'n persoon vereis dat 'n dokument bedoel in die lasgewing onderhewig is aan regsprivilegie, moet hulle:
- 10.3.1. die dokument identifiseer ten opsigte waarvan privilegie geëis word;
en
- 10.3.2. die basis vir die eis van privilegie met betrekking tot elke dokument verduidelik.
- 10.4. Indien 'n persoon eis dat 'n dokument bedoel in die lasgewing konfidensieel is vir 'n doel vir anders dat dit onderhewig is aan regsprivilegie, byvoorbeeld dat dit kommersiële sensitiewe of persoonlike inligting bevat, moet hulle die dokument oor lê, maar moet aansoek doen vir die dokument, of gedeelte daarvan, nie openbaar gemaak word nie en moet aansoek doen vir die dokument (of 'n gedeelte daarvan) as konfidensieel in die ondersoek van die Kommissie hanteer moet word. Die aansoek moet op skrif wees en uiteensit:
- 10.4.1. welke gedeeltes van die dokument geëis word konfidensieel te wees;
en
- 10.4.2. waarom daardie gedeeltes nie openbaar gemaak moet word nie.
- 10.5. Die Voorsitter moet alle eise tot konfidensialiteit van dokumente aan die Kommissie verskaf oorweeg en moet besluit welke dokument sal as konfidensieel behandel word.
- 10.6. Indien 'n dokument (of gedeelte daarvan) bepaal word konfidensieel te wees, word dit nie ingesluit nie, of word slegs ingesluit indien die geredigeerde weergawe ten einde konfidensialiteit te beskerm, in enige van die Kommissie se publikasies nie verwys word nie, in betrokke gedeelte, in publieke verhoor.

- 10.7. Indien die dokument nie as konfidensieel beskou word nie, mag dit na verwys word in die Kommissie se publikasies en openbare verhore.
- 10.8. Die Kommissie sal die persoon wat eis tot konfidensialiteit gemaak het vir besluitneming deur die Voorsitter se besluitneming alvorens die dokument na verwys word in 'n publikasie of by 'n openbare verhoor.

11. Algemeen

- 11.1. Hierdie Reëls word aanvaar ten einde die effektiewe funksionering van die Kommissie te verseker, en is nie bedoel alomvattend nie
- 11.2. Enige prosedurele aangeleentheid wat tydens die verrigtinge van die Kommissie opkom wat nie uitdruklik aangespreek of voorsien word in hierdie Reëls nie sal opgelos word deur 'n aanwysing van die Voorsitter. Alvorens sodanige aanwysing sal die Voorsitter deeglike oorweging skenk aan die regte van alle partye wat direk deur die voorgestelde aanwysing geraak word.
- 11.3. 'n Party wat 'n aansoek wil doen tot die Kommissie wat nie in hierdie Reëls voorsien is nie moet so doen ten minste sewe kalender dae op skriftelike kennisgewing aan die Kommissie, maar die Voorsitter kan kondonاسie op goeie gronde toe staan.
- 11.4. Die Kommissie kan nie-nakoming met, of verleng, enige tydperk in hierdie Reëls voorsien op goeie gronde aangevoer wanneer dit in die belang van die werk van die Kommissie is.
- 11.5. Indien hierdie Reëls voorsiening maak vir enige persoon om aansoek by die Kommissie of Voorsitter doen, moet die aansoek 'n substantiewe aansoek by wyse van 'n beëdigde verklaring met 'n kennisgewing van mosie wees. Die beëdigde verklaring moet, onder andere, bondig wees en die betrokke feite reflekteer, die bevel wat versoek word en die gronde waarop gesteun word vir dusdanige bevel.
- 11.6. Die aansoek moet by die Sekretaris van die Kommissie ingedien word (deur dit by die Kommissie se fisiese adres of by wyse van elektroniese manier af te lewer) wie sal verseker dat die oorspronklike weergawe tot die kennis van die Voorsitter en 'n afskrif tot die Kommissie se Regsspan gebring word.
- 11.7. Die aansoeker in daardie aansoek moet elke ander persoon wie se regte geaffekteer word op sodanige persoon beteken.

- 11.8. So gou doenlik nadat die Voorsitter van sodanige aansoek bewus geword het moet hy 'n opdrag soos wat hy doenlik ag, uitreik.

12. Praktyksvoorskrifte

Die Voorsitter mag, van tyd tot tyd, praktyksvoorskrifte in verband met die verrigtinge van die Kommissie uitreik.

13. Waardigheid en aanspreekvorm van die Kommissaris

- 13.1. Alle getuies, wat geïmpliseer word en regsverteenwoordigers wat voor die Kommissie verskyn moet alle ander partye met respek behandel en die nodige waardigheid vereenselwig met die formele verrigtinge nakom. Die Voorsitter mag in sy diskresie enige persoon wat die verrigtinge van die Kommissie ontwig uitsluit of enige gepaste aksie neem.

- 13.2. Die getuies en regsverteenwoordigers wat voor die Kommissie verskyn spreek die Voorsitter van die Kommissie as "Voorsitter" en sy mede-kommissaris as "Kommissaris" of "Kommissaris gevolg deur sy of haar van" aan.

- 13.3. Al die ander getuies en regsverteenwoordigers wat voor die Kommissie verskyn moet as "Mr" of "Ms" gevolg deur hul vanne aangespreek word, behalwe indien 'n getuie hul voorkeur om hoe aangespreek te word aan die Kommissie aandui. Waar polisie en ander sekuriteit beamptes van 'n bepaalde rang voor die Kommissie verskyn, mag hulle by hul amptelike rang gevolg deur hulle vanne aangespreek word.

14. Media Dekking

- 14.1. Tensy anders deur die Voorsitter met betrekking tot 'n bepaalde getuie of getuienis bepaal, mag die media die verrigtinge van die Kommissie uitsaai of daarop rapporteer.
- 14.2. Enige media entiteit wat die Kommissie se verrigtinge wil uitsaai moet die Sekretaris van die Kommissie vooraf kennis gee om die nodige akkreditasie en veiligheids maatreëls te tref.
- 14.3. Dit mag dalk nie moontlik wees om alle media entiteite by die Kommissie se verhore te akkomedeer nie. Die Voorsitter mag dienooreenkomstig die media entiteite beperk of sodanige voorwaardes op die media se bywoning by die Kommissie se verhore beperk.

14.4. Kameras en mikrofone moet in plek wees alvorens die verhore begin, en mag nie tydens verrigtinge geskuif word nie.

14.5. Die audio opname en naby skote of privaat gesprekke tussen Kommissaris, die Kommissie se Regsspan en regsverteenwoordigers is streng verbode.

14.6. Die Kommissie behou die reg voor om enige lid van die media uit te sluit wat nie die Reëls nakom nie of wat die verrigtinge van die Kommissie benadeel of die gladde verloop daarvan belemmer.

14.7. Die Kommissie mag sy verhore direk uitsaai.

15. Wysiging van Reëls

Die Voorsitter mag, van tyd tot tyd, hierdie Reëls wysig.

16. Inwerkingtreding van Reëls

Hierdie Reëls tree op die datum van publikasie in die *Staatskoerant* in werking.

17. Aanhaling van Reëls

Hierdie Reëls heet die Reëls van die Regterlike Kommissie van Ondersoek met betrekking tot Kriminele Gedrag, Politiese Inmenging en Korupsie in die Strafstelsel Voortspuitend uit Bepaalde Aantuigings Gemaak deur Luitenant-Generaal Nhlanhla Mkhwanazi op 6 Julie 2025.

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