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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 285 OF 2025**NOTICE****RULES 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**

I, Justice S Khampepe, hereby, under Regulation 14(1) of the Regulations 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, issue the Rules attached in the Schedule to this Notice.

Justice S Khampepe
Chairperson of the Commission

SCHEDULE

RULES 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

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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 Honourable Madam Justice Khampepe in her capacity as Chairperson of the Commission;

- 1.3 “**Commission**” means 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, established by way of Proclamation No 264 of 2025 published in the *Government Gazette* on 29 May 2025 (Government Notice number 52749);
- 1.4 “**Commission’s Evidence Leader**” 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**” includes but is not limited to any document, affidavit, video, recording or oral testimony submitted to the Commission;
- 1.7 “**Legal representative**” means a practising advocate or attorney;
- 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 “**Rules**” means these Rules as amended from time to time;
- 1.11 “**Secretary of the Commission**” or “**Secretary**” means the person appointed by the Chairperson as Secretary of the Commission; and
- 1.12 “**Terms of Reference**” means the terms of reference of the Commission published in the schedule to Proclamation Notice 264 in *Government Gazette* No. 52749 dated 29 May 2025.

2. Commission to keep the public informed

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

3. Witnesses presented by the Commission's Evidence Leader and implicated persons and their evidence

- 3.1 Subject to anything to the contrary contained in these Rules or to the Chairperson's directions in regard to any specific witness, the Commission's Evidence Leader bears the overall responsibility to present the evidence of witnesses to the Commission.
- 3.2 A member of the Commission's Evidence Leader may put questions to a witness whose evidence is presented to the Commission by the Commission's Evidence Leader including questions aimed at assisting the Commission in assessing the truthfulness of the evidence of a witness. Subject to the directions of the Chairperson, the Commission's Evidence Leader may ask leading questions.
- 3.3 If the Commission's Evidence Leader intends to present to the Commission a witness, whose evidence implicates or may implicate another person, it must, through the Secretary of the Commission, notify that person (*"implicated person"*) in writing within a reasonable time before the witness gives evidence:
- 3.3.1 that he or she is, or may be, implicated by the witness' evidence;
 - 3.3.2 in what way he or she is, or may be, implicated and furnish him or her with the witness' statement or relevant portions of the statement;
 - 3.3.3 of the date when and the venue where the witness will give the evidence;
 - 3.3.4 that he or she may attend the hearing at which the witness gives evidence;
 - 3.3.5 that he or she may be assisted by a legal representative when the witness gives evidence;
 - 3.3.6 that, if he or she wishes:
 - 3.3.6.1 to give evidence himself or herself;
 - 3.3.6.2 to call any witness to give evidence on his or her behalf; or

3.3.6.3 to cross-examine the witness;

he or she must, within two weeks from the date of notice, apply in writing to the Commission for leave to do so; and

3.3.7 that the Chairperson will decide the application.

- 3.4 An application in terms of Rule 3.3.6 above must be submitted in writing to the Secretary of the Commission within fourteen calendar days from the date of the notice referred to in Rule 3.3. The application must be accompanied by a statement from the implicated person responding to the witness' statement in so far as it implicates him or her. The statement must make it clear what parts of the witness' statement are disputed or denied and the grounds upon which those parts are disputed or denied.
- 3.5 If an implicated person believes that the Commissioner's Evidence Leader did not give him or her the notice referred to in Rule 3.3 within a reasonable time before the witness could or was to give evidence and that this may be prejudicial to him or her, he or she may apply to the Commission for such order as will ensure that he or she is not seriously prejudiced.
- 3.6 In deciding an application contemplated in Rule 3.3.6, the Chairperson may, in her discretion and on such terms and conditions as she may deem appropriate, grant leave to an implicated person: (a) to give evidence; (b) to call a witness to give evidence on his behalf and/or (c) to cross-examine the witness implicating him or her.
- 3.7 In accordance with Regulation 8(3), there is no right to cross-examine a witness before the Commission but the Chairperson may permit cross-examination should she deem it necessary and in the best interest of the work of the Commission to do so.
- 3.8 If the Chairperson grants leave to an implicated person in terms of Rule 3.6, a member of the Commission's Evidence Leader 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 a witness. Subject to the directions of the

Chairperson, the Commission's Evidence Leader may ask leading questions.

- 3.9 An implicated person may apply to the Commission for leave to make written and/or oral submissions on the findings or conclusions that the Chairperson should make on the evidence placed before the Commission that relates to him or her.
- 3.10 The Chairperson may, at any time, direct any person against whom allegations are made in a witness' statement or evidence to respond in writing to the allegations relating to him or her in that statement or evidence and/or to answer in writing specific questions put to him or her by the Chairperson arising from the witness' statement.

4. Hearings to be held in public

- 4.1 Subject to Rule 4.2, the hearings of the Commission will be held in public.
- 4.2 In an appropriate case, the Chairperson may make an order that a hearing be held *in camera*. In such a case, the Chairperson shall specify in the order those persons who will be permitted to attend the hearing *in camera*.
- 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 a venue designated for this purpose at Sci-Bono Discovery Center Corner of Miriam Makeba and Helen Joseph, Helen Joseph St. Johannesburg.
- 5.2 The Chairperson may, in her 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. The Rules of evidence applicable in a court of law need not be strictly applied to the determination of the admissibility of evidence before the Commission.
- 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 a statement or affidavit setting out that information and the Secretary of Commission will hand it over to the Commission's Evidence Leader 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, his or her 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.
- 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. The Chairperson's decision to call a

witness will be informed by the likely significance of the evidence in advancing the work of the Commission.

- 7.2 A witness appearing before the Commission may be assisted by a legal representative.
- 7.3 The Chairperson or another person who is generally or specifically authorised by the Chairperson to do so, shall administer the oath or affirmation to a witness before the witness may commence giving evidence.

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 The Chairperson may, in her discretion, direct the cross-examination of a witness by an implicated person, or his or her legal representative, to take place after the Commission's Evidence Leader 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 he or she is scheduled to appear at a hearing, to have his or her evidence taken *in camera*. Such application must be in writing and must give reasons why such an order should be made. The Chairperson will decide that application in her 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 his or her possession or under his or her 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 those documents cannot be produced.
- 10.3 Should a person claim that a document referred to in the summons is subject to legal professional privilege, he or she 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, he or she 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 documents 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 included only in redacted form, to protect the

confidentiality in any of the Commission's publications nor shall it be 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 Any party wishing to make any application to the Commission which is not otherwise provided for in these Rules must do so on or 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.

11.2 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.

11.3 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, reflect the relevant facts, the order sought and the grounds relied upon to seek that order.

11.4 The application must be lodged with the Secretary of the Commission who will ensure that the original is delivered to the Chairperson and a copy to the Commission's Evidence Leader. The applicant in that application must cite every other person whose rights may be adversely affected by the order sought and serve a copy on him, her or it.

11.5 As soon as possible after the Chairperson has become aware of such an application, she must issue such direction or order as to the future conduct of the matter as she may consider appropriate.

12. Practice directions

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

13. Amendment of Rules

13.1 The Chairperson may amend these Rules from time to time.

14. Commencement date of the Rules

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

15. Citation of the Rules

These Rules shall be called the Rules 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.

PROKLAMASIE KENNISGEWING 285 VAN 2025**KENNISGEWING****REËLS VAN DIE REGTERLIKE KOMMISSIE VAN ONDERSOEK TEN EINDE
ONDERSOEK IN TE STEL NA BEWERINGS VAN POGINGS WAT GEMAAK IS OM
DIE ONDERSOEK OF VERVOLGING VAN DIE WAARHEIDS-EN-
VERSOENINGSKOMMISSIE SAKE TE STOP**

Ek, Regter S Khampepe, hierby, kragtens Regulasie 14(1) van die Regulasies van die Regterlike Kommissie van Onderzoek ten einde onderzoek in te stel na bewerings van pogings wat gemaak is om die onderzoek of vervolging van die Waarheids-en-Versoeningskommissie sake te stop, reik die Reëls in die Bylae uit.

Regter S Khampepe

Voorsitter van die Kommissie

BYLAE

REËLS VAN DIE REGTERLIKE KOMMISSIE VAN ONDERSOEK TEN EINDE ONDERSOEK IN TE STEL NA BEWERINGS VAN POGINGS WAT GEMAAK IS OM DIE ONDERSOEK OF VERVOLGING VAN DIE WAARHEIDS-EN- VERSOENINGSKOMMISSIE SAKE TE STOP

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1. **Woordomskrywings**

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

- 1.1 “**Getuienis**” met inbegrip van, maar is nie beperk nie tot, enige dokument, beëdigde verklaring, video, klank opname of mondelinge getuienis aan die Kommissie oorgelê;

- 1.2 “**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996;
- 1.3 “**Kommissie**” die Regterlike Kommissie van Onderzoek ten einde ondersoek in te stel na bewerings van pogings wat gemaak is om die ondersoek of vervolging van die Waarheids-en-Versoeningskommissie sake te stop, ingestel by Proklamasie No 264 van 2025 in *Staatskoerant* van 29 Mei 2025 (Goevermentskennisgewing No 52749) gepubliseer;
- 1.4 “**Kommissie se Getuienisleier**” die span van regsgeleerdes deur die Voorsitter aangestel om die Kommissie van hulp te wees in die ondersoek en met die aanbied van getuienis en argumente voor die Kommissie te plaas met betrekking tot die aangeleenthede in die Opdrag vermeld;
- 1.5 “**Opdrag**” die opdrag van die Kommissie wat in die Bylae tot Proklamasie No. 264 in *Staatskoerant* No. 52749 van 29 Mei 2025, gepubliseer is;
- 1.6 “**Persoon**” met inbegrip van ‘n natuurlike of regspersoon;
- 1.7 “**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;
- 1.8 “**Reëls**” hierdie Reëls soos van tyd tot tyd gewysig;
- 1.9 “**Regsverteenwoordiger**” ‘n praktiserende advokaat of prokureur;
- 1.10 “**Sekretaris van die Kommissie**” of “**Sekretaris**” die persoon wat, soos deur die Regulasies voorsien word, deur die Voorsitter aangestel is;
- 1.11 “**Voorsitter**” Regter S Khampepe, in haar hoedanigheid as Voorsitter van die Kommissie; en
- 1.12 “**Wet**” die Kommissiewet, 1947 (Wet No. 8 van 1947).

2. Kommissie die publiek ingelig te hou

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

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

- 3.1 Behalwe as anders bepaal in hierdie Reëls en onderhewig aan die Voorsitter se aanwysings in verband met enige bepaalde getuie, die Kommissie se Getuienisleier dra die oorhoofse verantwoordelikheid om die getuienis van getuies aan die Kommissie aan te bied.
- 3.2 'n Lid van die Kommissie se Getuienisleier mag vrae aan 'n getuie wie se getuienis aan die Kommissie aangebied word stel, 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. Onderhewig aan die Voorsitter se aanwysings mag die Kommissie se Getuienisleier leidende vrae stel.
- 3.3 Indien die Kommissie se Getuienisleier bedoel om 'n getuie aan die Kommissie aan te bied wie se getuienis 'n ander persoon mag impliseer, moet hulle, deur die Sekretaris van die Kommissie, sodanige persoon ("*geïmpliseerde persoon*") skriftelik binne 'n redelike tyd voordat die getuie oorlê in kennis stel:
- 3.3.1 dat hy of sy deur 'n getuie se getuienis geïmpliseer is of mag word;
 - 3.3.2 op welke wyse hy of sy is, of mag, geïmpliseer word en hom of haar met die getuie se verklaring of relevante gedeeltes van die verklaring te voorsien;
 - 3.3.3 van die datum wanneer en die plek waar die getuie die getuienis sal oorlê;
 - 3.3.4 dat hy of sy die verhoor waar die getuienis gelewer gaan word mag bywoon;
 - 3.3.5 dat hy of sy deur 'n regsverteenwoordiger bygestaan kan word wanneer die getuie getuienis lewer;
 - 3.3.6 dat, indien hy of sy so verkies:
 - 3.3.6.1 om hom- of haarself getuienis te lewer;
 - 3.3.6.2 om enige getuie te roep om namens hom of haar getuienis te lewer; of

3.3.6.3 om 'n getuie te kruis-ondervra;
moet hy of sy, binne twee weke vanaf die datum van die kennisgewing, by die Kommissie aansoek doen vir instemming om so te doen; en

3.3.7 dat die Voorsitter oor die aansoek sal besluit.

- 3.4 'n Aansoek ingevolge Reël 3.3.6 hierbo moet skriftelik aan die Sekretaris van die Kommissie binne veertien kalender dae vanaf die kennisgewing in Reël 3.3 bedoel, ingehandig word. Die aansoek moet deur 'n verklaring van die geïmpliseerde persoon wat op die getuie se verklaring insoverre dit hom of haar impliseer antwoord, vergesel word. Die verklaring moet duidelik stel welke gedeeltes van die getuie se verklaring bevraagteken of ontken word en die gronde waarop die daardie dele bevraagteken of ontken word.
- 3.5 Indien 'n geïmpliseerde persoon glo dat die Kommissie se Getuienisleier hom of haar nie voldoende kennis ingevolge Reël 3.3 gegee het nie binne 'n redelike tydperk alvorens die getuie kon of moet getuienis lewer en dit mag benadelend teenoor hom of haar wees, mag hy of sy tot die Kommissie aansoek doen om sodanige bevel as wat sal verseker dat hy of sy nie ernstig benadeel word nie.
- 3.6 Die Voorsitter mag, besluitneming van 'n aansoek beoog by Reël 3.3.6, in haar diskresie en op sodanige terme en voorwaardes as wat sy mag goedvind, verlof tot 'n geïmpliseerde persoon toestaan om: (a) getuienis te lewer; (b) 'n getuie te roep om getuienis namens hom of haar te lewer en/of (c) die getuie wat hom of haar impliseer te kruis-ondervra.
- 3.7 In ooreenstemming met Regulasie 8(3), is daar geen kruis-ondervraging van 'n getuie voor die Kommissie nie, maar die Voorsitter mag kruisondervraging toelaat indien sy dit noodsaaklik en in die beste belange van die werksaamhede van die Kommissie ag.
- 3.8 Indien die Voorsitter toestemming aan 'n geïmpliseerde persoon ingevolge Reël 3.6 verleen, kan 'n lid van die Kommissie se Getuienisleier 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. Onderhewig aan die aanwysings van die Voorsitter, mag die Kommissie se Getuienisleier leidende vrae vra.

- 3.9 'n Geïmpliseerde persoon mag aansoek doen tot die Kommissie om verlof om geskrewe en/of mondelinge insette te lewer ten opsigte van die bevindinge of afleidings wat die Voorsitter moet maak ten opsigte van getuienis wat op hom of haar van toepassing is.
- 3.10 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, skriftelik te antwoord op bepaalde vrae wat aan hulle deur die Voorsitter gestel word wat uit die getuie se verklaring voortspruit.

4. Verhoor in openbaar gehou te word

- 4.1 Die verhoor van die Kommissie word, onderhewig aan Reël 4.2, in die openbaar gehou.
- 4.2 In 'n gepaste geval, kan die Voorsitter 'n bevel maak dat 'n betrokke verhoor *in camera* gehou word. In dusdanige geval moet die Voorsitter in sodanige bevel die volgorde van die persone wat toegelaat word om die verhoor *in camera* by te woon, beveel.
- 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 'n plek vir doeleindes hiervan by Sci-Bono Discovery Sentrum, Hoek van Miriam Makeba en Helen Joseph, Helen Joseph Straat, Johannesburg, gehou.
- 5.2 Die Voorsitter mag, in haar 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. Die reëls wat van toepassing is op 'n geregshof hoef nie streng ten opsigte van die besluit aangaande die toelaatbaarheid van die getuienis voor die Kommissie, nagevolg te word nie.
- 6.2 Enige persoon wat kennis het van aangeleentheid wat binne die Opdrag van die Kommissie val mag aan die Sekretaris van die Kommissie 'n verklaring of 'n beëdigde verklaring wat die inligting aangaande daardie kennis uiteensit, indien en die Sekretaris van die Kommissie moet dit aan die Kommissie se Getuienisleier 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.
- 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 word ten einde die Kommissie in staat te stel om die betrokke transkripsie ten opsigte van daardie verrigtinge te verkry.

7. Mondelinge getuienis by Verhore

- 7.1 Getuies word op diskresie van die Voorsitter geroep om mondelinge getuienis aan die Kommissie voor te lê. Die Voorsitter se besluit om 'n

getuie te roep word ingelig deur die belang van die getuienis ter bevordering van die werk van die Kommissie.

- 7.2 'n Getuie wat voor die Kommissie verskyn mag deur 'n regsverteenwoordiger bygestaan word.
- 7.3 Die Voorsitter of 'n ander persoon in die algemeen of bepaald daartoe deur die Voorsitter gemagtig, moet die eed of plegtige verklaring teenoor 'n getuie aflê alvorens die getuie getuienis aflê.

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 Die Voorsitter, in haar diskresie, mag bepaal dat die kruisondervraging van 'n getuie deur 'n geïmpliseerde persoon of sy of haar regsverteenwoordiger moet plaasvind nadat die Kommissie se Getuienisleier 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 gemaak 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, ten minste twee weke voor hulle geskeduleer is om by 'n verhoor te verskyn, aansoek doen om hul getuienis *in camera* aan te bied. Sodanige aansoek moet op skrif wees en die redes waarom sodanige bevel gemaak moet word, verskaf. Die Voorsitter sal die besluit in haar diskresie neem.

10. Versoek om 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 hy of sy:
- 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 konfidensieël is vir 'n doel vir anders dat dit onderhewig is aan regsprivilegie, byvoorbeeld dat dit kommersiële sensitiewe of persoonlike inligting bevat, moet hy of sy die dokument oorlê, maar moet spesifiseer dat die dokument, of gedeelte daarvan, nie openbaar gemaak word nie en moet aansoek doen vir die dokument (of 'n gedeelte daarvan) as konfidensieël 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 konfidensieël behandel word.
- 10.6 Indien 'n dokument, of gedeelte daarvan, of ingesluit in 'n geredigeerde weergawe daarvan, bepaal word konfidensieël 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 die betrokke gedeelte, in publieke verhoor.

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

11. Algemeen

- 11.1 '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 kondonasië tot nie-nakoming met die kennisgewing periode op goeie gronde toestaan.
- 11.2 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.
- 11.3 Indien hierdie Reëls voorsiening maak vir enige persoon om aansoek by die Kommissie of Voorsitter te 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, die betrokke feite reflekteer, die bevel wat versoek word en die gronde waarop gesteun word vir dusdanige bevel.
- 11.4 Die aansoek moet by die Sekretaris van die Kommissie ingedien word wie sal verseker dat die oorspronklike tot die kennis van die Voorsitter en 'n afskrif tot die Kommissie se Getuienisleier gebring word. Die applikant in daardie aansoek moet op elke persoon wie se regte benadeel mag word deur die bevel versoek 'n afskrif op hom, haar of dit beteken.

11.5 So gou doenlik nadat die Voorsitter van sodanige aansoek bewus geword het moet sy 'n opdrag soos wat sy doenlik ag met betrekking tot die toekomstige handeling met betrekking tot die aangeleentheid, uitreik.

12. Praktyksvoorskrifte

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

13. Wysiging van Reëls

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

14. Inwerkingtreding van Reëls

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

15. Aanhaling van Reëls

Hierdie Reëls heet die Reëls van die Regterlike Kommissie van Onderzoek ten einde ondersoek in te stel na bewerings van pogings wat gemaak is om die ondersoek of vervolging van die Waarheids-en-Versoeningskommissie sake te stop.

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