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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE R. 277 OF 2025

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

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

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947) (the Act), I hereby—

- (a) declare that the provisions of the said Act shall be applicable to 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 established in terms of Proclamation No. 269 of 2025 published in *Gazette* No. 53048 dated 23 July 2025; and
- (b) make the regulations in the Schedule with reference to the said Commission.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this 18th day of August Two Thousand and Twenty-five.

M C RAMAPHOSA

President

By order of the President-in-Cabinet:

M T KUBAYI

Minister of the Cabinet

SCHEDULE
ARRANGEMENT OF REGULATIONS

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Definitions

1. In these Regulations, unless the context otherwise indicates—
‘Chairperson’ means the Honourable Mr Justice Mbuyiseli Madlanga appointed by the President;

‘Commission’ means 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 established in terms of Proclamation No. 269 of 2025 published in *Gazette* No. 53048 dated 23 July 2025, in which the Chairperson is assisted by Advocate Sesi Baloyi SC and Advocate Sandile Khumalo SC;

‘Document’ includes, whether in electronic form or otherwise, any book, pamphlet, record, list, circular, plan, poster, publication, drawing, photograph, picture, data, disc, hard drive or recording;

‘Inquiry’ means the inquiry conducted by the Commission;

‘Minister’ means the Minister of Justice and Constitutional Development;

‘Officer’ means any person appointed by the Chairperson to assist the Commission

and any other person in the service of the State who has been duly seconded to the Commission to provide administrative support to the Commission;

‘Other members of the Commission’ means Advocate Sesi Baloyi SC and Advocate Sandile Khumalo SC who have been appointed by the President to assist the Chairperson;

‘Rules’ means Rules of procedure determined by the Chairperson; and

‘Secretary’ means a person appointed by the Chairperson who, under the direction of the Chairperson, assists the Commission in the performance of its functions.

Proceedings of Commission

2. (1) The proceedings of the Commission shall be recorded in the manner determined by the Chairperson.

(2) Any person appointed or designated to record proceedings of the Commission by mechanical or electronic means, or to transcribe such proceedings which have been so recorded, must, at the outset, take an oath or make an affirmation in the following form:

“I, AB., declare under oath / affirm and declare that—

(a) I shall faithfully and to the best of my ability record the proceedings of the Commission of Inquiry to investigate allegations of criminality, political interference and corruption in the criminal justice system arising from specific allegations made by Lieutenant General Nhlanhla Mkhwanazi on 6 July 2025 by mechanical or electronic means as ordered by the Chairperson of the Commission;

(b) I shall transcribe fully and to the best of my ability any mechanical record of the proceedings of the said Commission made by me or any other person;
and

(c) I shall not use any information obtained during in camera proceedings for personal benefit or advantage.”

(3) No mechanical or electronic record of the proceedings of the Commission, that have been recorded by the person referred to in subregulation (2), may be transcribed except by order of the Chairperson and such transcription will be the only official record of the proceedings of the Commission after the Chairperson has approved such transcription.

Persons to assist Commission

3. The Chairperson may designate one or more knowledgeable or experienced persons to assist the Commission in the performance of its functions, in a capacity other than that of a member.

Personnel of Commission

4. (1) After consulting the Other members of the Commission, the Chairperson shall, in accordance with applicable legislation, appoint the Secretary of the Commission and such other persons and officers as may be required to assist the Commission in carrying out its functions.

(2) The Chairperson may in writing delegate, to the Secretary, the authority to appoint certain categories of staff of the Commission.

(3) A person or an officer appointed by the Chairperson or the Secretary shall be appointed additional to the establishment of the Department of Justice and Constitutional Development for the period of such appointment or the duration of the Commission as the case may be.

(4) The Minister must, at the request of, and on such conditions as may be determined by the Chairperson, second such officers from the public service as may be required to assist the Commission in the execution of its mandate: Provided that to the extent that an official identified for secondment to the Commission is in the employ of a department or State entity under another Minister, the Minister shall consult with the Minister concerned to facilitate such secondment in terms of the Public Service Act, 1994.

Funds of Commission

5. The National Treasury will, in consultation with the Minister, ensure that adequate funds are made available to the Commission to realise its mandate.

Representation

6. Any person appearing before the Commission may be assisted by an Advocate or an Attorney.

Taking of oath or affirmation

7. The Chairperson or an Officer generally or specifically authorised thereto by the Chairperson may, where necessary, administer an oath to or accept an affirmation from any person—

- (a) appearing before the Commission; or
- (b) required to take an oath or make an affirmation for any purpose other than an appearance before the Commission.

Persons appearing before Commission

8. (1) No person appearing before the Commission may refuse to answer any question on any grounds other than those contemplated in section 3(4) of the Commissions Act, 1947 (Act No. 8 of 1947).

(2) A self-incriminating answer or a statement given by a witness before the Commission shall not be admissible as evidence against that person in any criminal proceedings brought against that person instituted in any court except in criminal proceedings where the person concerned is charged with an offence in terms of section 6 of the Commissions Act, 1947.

(3) Any witness appearing before the Commission may be cross-examined by a person implicated by the witness and only if the Chairperson deems the cross-examination necessary and in the best interest of the functions of the Commission.

(4) (a) A witness may be re-examined by his or her legal representative strictly for the purpose of explaining the evidence given by the witness during his or her examination, and only after an application to re-examine has been granted by the Chairperson.

(b) An evidence leader may, after the re-examination of a witness referred to in paragraph (a), conduct a further examination of the witness concerned.

(5) The Commission will work with an identified body to ensure that, where necessary and after relevant security risk assessments are done, witnesses or potential witnesses are provided with the required protection.

Disclosure of information

9. Where, at the time of any person appearing during or at any aspect or stage of the inquiry, or presenting information to or giving evidence to or before the Commission, members of the general public are or have been excluded from attendance at any stage or aspect of the inquiry or at the proceedings of the Commission, the Chairperson may, on the request of such a person, direct that no person shall disclose in any manner whatsoever the name or address of such person or any information likely to reveal his or her identity.

Search and seizure

10. (1) The Chairperson, any Other member of the Commission or any Officer may, on authority of a warrant issued in terms of this regulation, enter and inspect any premises and demand and seize any document or article which is on such premises, and must do so, at all reasonable times and without prior notice or with such notice as he or she may deem appropriate, for the purposes of the inquiry.

(2) Any entry upon or search of any premises or person thereon in terms of this regulation, shall be conducted with strict regard to decency and order including—

- (a) a person's right to, respect for and the protection of his or her dignity;
- (b) the right of a person to freedom and security; and
- (c) the right of a person to his or her personal privacy.

(3) Subject to subregulation (4), the premises referred to in subregulation (1) may be entered only by virtue of a warrant issued in chambers by a judge of the area of jurisdiction within which the premises are situated.

(4) A warrant referred to in subregulation (1) may be issued by a judge in respect of premises situated in another area of jurisdiction, if he or she deems it justified.

(5) A warrant referred to in subregulation (1) may be issued only if it appears to the judge from information revealed under oath or affirmation, stating the need, in regard to the inquiry, for a search and seizure in terms of this regulation that there are reasonable grounds to believe that any document or article referred to in subregulation (1) is on or at such premises or suspected to be on or at such premises.

(6) For the purposes of conducting an investigation the Chairperson may direct any person to submit an affidavit or affirmed declaration or to appear before

the Commission to give evidence or to produce any document in his or her possession or under his or her control which has a bearing on the matter being investigated, and such person may be examined by the Chairperson or an evidence leader.

Oath of fidelity or secrecy

11. (1) Every person employed in the execution of the functions of the Commission or providing a service to the Commission shall assist to preserve secrecy with regard to any matter or information that may come to his or her knowledge in the performance of his or her duties in connection with the said functions, except in so far as the publication of such matter or information is necessary for the purposes of the report of the Commission, and every such person, except the Chairperson, or any Officer, or any person assisting the Commission in any other capacity shall, before performing any duty in connection with the Commission, take and subscribe before the Chairperson an oath of fidelity or secrecy in the following form:

“I, A.B., declare under oath / affirm and declare that, except in so far as it is necessary in the performance of my duties in connection with the functions of the Commission or by order of a competent court, I shall not communicate to any person any matter or information which comes to my knowledge in connection with the inquiry, or allow or permit any person to have access to any records of the Commission, including any notes, record or transcription of the proceedings of the said Commission in my possession or custody of the said Commission or any officer.”

(2) No person shall communicate to any other person any matter or information which may have come to his or her knowledge in connection with the inquiry, or allow or permit any other person to have access to any records of the Commission, except in so far as it is necessary in the performance of his or her duties in connection with the functions of the Commission or by order of a competent court.

(3) No person may without the written permission of the Chairperson—

- (a) disseminate any document submitted to the Commission by any person in connection with the inquiry or publish the contents or any portion of the contents of such document; or
- (b) peruse any document, including any statement, which is destined to be submitted to the Chairperson or intercept such document while it is being taken or forwarded to the Chairperson.

(4) No person shall, except in so far as shall be necessary in the execution of the terms of reference of the Commission, publish or furnish any other person with the report or any interim report of the Commission or a copy or a part thereof or information regarding the consideration of evidence by the Commission.

Offences and penalties

12. (1) Any person who insults, disparages or belittles the Chairperson or any member of the Commission or prejudices the inquiry or proceedings or findings of the Commission, is guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months.

(2) Any person who—

- (a) contravenes regulation 9;
 - (b) wilfully hinders, resists or obstructs the Chairperson or any officer in the exercise of any power contemplated in regulation 10; or
 - (c) contravenes a provision of regulation 11,
- is guilty of an offence and liable on conviction—
- (i) in the case of an offence referred to in paragraph (a) to a fine, or to imprisonment for a period not exceeding six months; and
 - (ii) in the case of an offence referred to in paragraph (b) or (c), to a fine, or to imprisonment for a period not exceeding 12 months.

Seat of Commission

13. (1) The Chairperson shall, after consulting the other members of the Commission, determine the seat of the Commission by Notice in the *Gazette*.

(2) The Commission may, for purposes of facilitating access to the Commission, conduct hearings at any other place as may be determined by the Chairperson where he considers it appropriate to do so.

Procedures of Commission

14. (1) By means of Rules issued by him, the Chairperson may determine the procedures of the Commission.

(2) The Rules of the Commission may be varied or amended by the Chairperson from time to time as he deems it appropriate.

(3) If circumstances so require, the Chairperson may determine the procedure of the Commission by means other than those set out in subregulations (1) and (2).

Amendment of regulations

15. These regulations may be added to, varied or amended from time to time.

Short title and commencement

16. These regulations shall be called 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 and shall come into effect on publication in the *Gazette*.

PROKLAMASIE KENNISGEWING R. 277 VAN 2025
van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

**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, kragtens die bevoegdheid verleen aan my ingevolge artikel 1 van die Kommissiewet, 1947 (Wet No. 8 van 1947) (die Wet), hierby—

- (a) bepaal dat die bepalings van die genoemde Wet van toepassing is op die Regterlike Kommissie van Ondersoek met betrekking tot kriminele gedrag, politiese inmenging en korrupsie in die Strafbestelsel voortspruitend uit bepaalde aantuigings openbaar gemaak deur Luitenant-Generaal Nhlanhla Mkhwanazi op 6 Julie 2025 wat deur Proklamasie No. 269 van 2025 in *Staatskoerant* No. 53048 van 23 Julie 2025 ingestel is; en
- (b) maak die regulasies in die Bylae met betrekking tot vermelde Kommissie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 18^{de} dag van Augustus Twee Duisend Vyf-en-Twintig.

M C RAMAPHOSA

President

Op las van die President-in-Kabinet:

M T KUBAYI

Minister van die Kabinet

BYLAE

INDELING VAN REGULASIES

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3. Persone om Kommissie by te staan
4. Personeel van Kommissie
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15. Wysiging van regulasies
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Woordomsrywings

1. In hierdie Regulasies, tensy die teendeel blyk uit die konteks, beteken—**‘Ander lede van die Kommissie’** Advokaat Sesi Balyoi SC en Advokaat Sandile Khumalo SC wat deur die President aangestel is om die Voorsitter by te staan;

‘Beampte’ ‘n persoon wat deur die Voorsitter aangestel is en enige ander persoon in diens van die Staat wat behoorlik tot die Kommissie gesekondeer is om administratiewe hulp aan die Kommissie te verleen;

‘Dokument’ ook, hetsy in elektroniese formaat of andersins, enige boek, pamflet, rekord, lys, omsendskrywe, plan, plakkaat, publikasie, tekening, foto, prent, data, skyf, harde skyf of opname;

‘Kommissie’ die Regterlike Kommissie van Ondersoek met betrekking tot kriminele gedrag, politiese inmenging en korrupsie in die Strafstelsel voortspruitend uit bepaalde aantuigings openbaar gemaak deur Luitenant-Generaal Nhlanhla Mkhwanazi op 6 Julie 2025 wat kragtens Proklamasie No. 269 van 2025 in *Staatskoerant* No. 53048 van 23 Julie 2025 ingestel is;

‘Minister’ die Minister van Justisie en Staatkundige Ontwikkeling;

‘Ondersoek’ die ondersoek deur die Kommissie wat gedoen word;
‘Reëls’ Prosedurele Reëls deur die Voorsitter bepaal;
‘Sekretaris’ ‘n persoon wat deur die Voorsitter aangestel is wat, kragtens die aanwysing van die Voorsitter, die Kommissie in die uitvoering van sy pligte behulpsaam is; en
‘Voorsitter’ die Agbare Regter Mbuyiseli Madlanga deur die President aangestel.

Verrigtinge van Kommissie

2. (1) Die verrigtinge van die Kommissie word opgeneem op die wyse wat die Voorsitter bepaal.

(2) ‘n Persoon wat aangestel of aangewys is om die verrigtinge van die Kommissie by wyse van meganiese of elektroniese wyse op te neem, of om sodanige verrigtinge wat opgeneem is te transkribeer, moet, vanuit die staanspoor, ‘n eed of plegtige verklaring in die volgende vorm aflê:

“Ek, A.B., verklaar onder eed / bevestig en verklaar dat—

(a) Ek sal getrou en na die beste van my vermoë die verrigtinge van die Kommissie van Ondersoek met betrekking tot kriminele gedrag, politiese inmenging en korrupsie in die Strafstelsel voortspruitend uit bepaalde aantuigings openbaar gemaak deur Luitenant-Generaal Nhlanhla Mkhwanazi op 6 Julie 2025 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 by wyse van meganiese of elektroniese wyse opneem soos beveel deur die Voorsitter;

(b) Ek sal enige meganiese of elektroniese rekord van die verrigtinge van die vermelde Kommissie wat deur myself of ‘n ander persoon gemaak is, ten volle en na die beste van my vermoë transkribeer; en

(c) Ek sal nie enige inligting verkry tydens in camera verrigtinge vir persoonlike voordeel gebruik nie.”

(3) Geen meganiese of elektroniese rekord van die verrigtinge van die Kommissie, wat deur die persoon in subregulasie (2) bedoel opgeneem is, mag sonder die opdrag van die Voorsitter getranskribeer word nie en sodanige transkripsie is die enigste amptelike rekord van die verrigtinge van die Kommissie nadat die Voorstitter sodanige transkripsie goedgekeur het.

Persone om Kommissie by te staan

3. Die Voorsitter kan een of meerdere persone met die kennis of ervaring aanwys om die Kommissie, in 'n hoedanigheid anders as 'n lid, by te staan.

Personeel van Kommissie

4. (1) Die Voorsitter moet, na oorlegpleging met die Ander lede van die Kommissie in ooreenstemming met toepaslike wetgewing, 'n Sekretaris en sodanige ander persone en beamptes as wat die Kommissie mag vereis om die Kommissie in die uitvoering van sy funksies by te staan, aanstel.

(2) Die Voorsitter kan die Sekretaris op skrif delegeer om sekere kategorieë van personeel aan te stel.

(3) 'n Persoon of 'n beampte wat deur die Voorsitter aangestel is word bykomend tot die diensstaat van die Departement van Justisie en Staatkundige Ontwikkeling vir die tydperk van sodanige aanstelling of vir die duur van die Kommissie, na gelang van die geval, aangestel.

(4) Die Minister moet, op versoek van, en op sodanige voorwaardes as wat die Voorsitter mag bepaal, sodanige beamptes van die staatsdiens as wat vereis word om die Kommissie in sy werksaamhede by te staan sêkondeer: Met dien verstande dat in die mate wat 'n beampte wat geïdentifiseer is vir sêkondering tot die Kommissie in diens van 'n department of 'n Staatsentiteit onder 'n ander Minister is, moet die Minister met die betrokke Minister in oorleg pleeg om sodanige sêkondering te fasiliteer ingevolge die Staatsdienswet, 1994.

Fondse van Kommissie

5. Die Nasionale Tesourie moet, in oorlegpleging met die Minister, verseker dat voldoende fondse aan die Kommissie beskikbaar gestel word om sy mandaat uit te voer.

Verteenwoordiging

6. 'n Persoon wat voor die Kommissie verskyn kan deur 'n Advokaat of Prokureur bygestaan word.

Neem van eed of plegtige verklaring

7. Die Voorsitter of 'n beampte in die algemeen of bepaald daartoe deur die Voorsitter gemagtig kan, waar nodig, die aflê van 'n eed behartig of 'n plegtige verklaring van 'n persoon wat—

- (a) voor die Kommissie verskyn; of
- (b) vereis word om 'n eed of plegtige verklaring af te lê vir 'n ander doel as 'n verskeining voor die Kommissie, aanvaar.

Persone wat voor Kommissie verskyn

8. (1) Geen persoon wat voor die Kommissie verskyn mag weier om enige vraag op enige gronde anders as daardie in artikel 3(4) van die Kommissiewet, 1947 (Wet No. 8 van 1947), vermeld, te antwoord nie.

(2) 'n Self-inkriminerende antwoord of verklaring wat deur 'n getuie voor die Kommissie gegee word is nie as getuienis in enige strafregtelike verrigtinge wat teen die persoon in enige hof gebring word toelaatbaar nie behalwe waar die betrokke persoon in strafregtelike verrigtinge van 'n misdryf ingevolge artikel 6 van die Kommissiewet, 1947, aangekla word.

(3) 'n Getuie wat voor die Kommissie verskyn kan slegs deur 'n persoon wat deur die getuie geïmpliseer word gekruisondervra word indien die Voorsitter sodanige kruisondervraging toelaat indien hy of sy dit nodig en in die beste belange van die werksaamhede van die Kommissie ag.

(4) (a) 'n Getuie mag hêr-ondervra word deur sy of haar regsverteenwoordiger vir doeleindes daarvan om die getuienis wat deur die getuie tydens sy of haar ondervraging gegee is, en nadat 'n aansoek tot hêr-ondervraging deur die Voorsitter toegestaan is, te verduidelik.

(b) 'n Getuienisleier mag, na die hêr-ondervraging van 'n getuie in paragraaf (a) bedoel, die betrokke getuie verder ondervra.

(5) Die Kommissie sal met 'n geïdentifiseerde liggaam saamwerk ten einde te verseker dat, nadat 'n betrokke sekuriteitsrisiko vasstelling gemaak is, getuies of potensiële getuies met die vereiste beskerming gebied word.

Bekendmaking van inligting

9. Waar, by tye daarvan dat 'n persoon wat verskyn of te enige aspek of fase van die verrigtinge, of inligting ooreen aan of getuieenis aanbied voor die Kommissie, lede van die algemene publiek wat van bywoning tydens enige fase of aspek van die ondersoek of by die verrigtinge van die Kommissie geweier is of was, kan die Voorsitter, op versoek van sodanige persoon, opdrag gee dat geen persoon inligting op enige wyse wat ookal die naam of adres van sodanige persoon of enige inligting wat moontlik sy of haar identiteit openbaar sal maak, bekend maak nie.

Deursoeking en beslaglegging

10. (1) Die Voorsitter, 'n Ander lid van die Kommissie of 'n beampte mag, met 'n lasbrief, vir doeleindes van die ondersoek, te alle redelike tye en sonder vooraf kennisgewing of met sodanige kennisgewing as wat hy of sy gepas ag enige perseel betree en deursoek en aanspraak maak en beslag lê op en enige dokument of artikel wat op sodanige perseel is.

(2) Enige betreding van 'n perseel of deursoeking van 'n perseel of persoon teenwoordig ingevolge hierdie regulasie moet uitgevoer word met streng inagneming van ordentelike en orde met inbegrip van—

- (a) 'n persoon se reg op, respek vir en die beskerming van sy of haar waardigheid;
- (b) die reg van 'n persoon op vryheid en sekuriteit; en
- (c) die reg van 'n persoon op sy of haar persoonlike privaatheid.

(3) Die perseel bedoel in subregulasie (1) mag, onderhewig aan subregulasie (4), slegs betree word op grond van 'n lasbrief wat deur 'n regter in kamers uitgereik is deur 'n regter van die area van jurisdiksie waarbinne die perseel geleë is.

(4) 'n Lasbrief bedoel in subregulasie (1) kan deur 'n regter uitgereik word ten opsigte van 'n perseel wat in 'n ander area van jurisdiksie geleë is indien hy of sy dit gereverdig ag.

(5) 'n Lasbrief bedoel in subregulasie (1) mag slegs uitgereik word indien dit vir die regter blyk op grond van inligting onder eed verskaf, wat die noodsaaklikheid, met betrekking tot die ondersoek, vir 'n deursoeking en beslaglêgging ingevolge hierdie regulasie dat daar redelike gronde is om te glo dat enige dokument of artikel bedoel in subregulasie (1) vermeld op so 'n of by sodanige perseel teenwoordig is of vermoed word op sodanige perseel te wees.

(6) Vir doeleindes van die verrigting van 'n ondersoek kan die Voorsitter opdrag gee aan enige persoon om 'n beëdigde of plegtige verklaring in te dien of om voor die Kommissie te verskyn en getuienis af te lê of om enige dokument in sy of haar besit of onder sy of haar beheer wat tersaaklik is tot die aangeleentheid wat ondersoek word oor te lê en sodanige persoon kan deur die Voorsitter of getuienisleier ondervra word.

Eed van getrouheid of geheimhouding

11. (1) 'n Persoon wat in diens is vir die uitvoering van die werksaamhede van die Kommissie moet daarmee behulpsaam wees op geheimhouding in stand te hou met betrekking tot enige aangeleentheid of inligting wat moontlik tot sy of haar kennis kan kom in die uitvoering van sy of haar werksaamhede in verband met sodanige werksaamhede, behalwe vir soverre die publikasie van sodanige aangeleentheid of inligting noodsaaklik is vir doeleindes van die verslag van die Kommissie, en elke sodanige persoon, met uitsondering van die Voorsitter, of enige beampte, of enige persoon wat die Kommissie in enige ander hoedanigheid behulpsaam is moet, alvorens enige plig in verband met die Kommissie verrig word, 'n eed van getrouheid of geheimhouding voor die Voorsitter in die volgende vorm aflê:

“Ek, A.B., verklaar onder eed / bevestig en verklaar dat, behalwe vir soverre dit noodsaaklik is in verband met die verrigting van die werksaamhede van die Kommissie of op bevel van 'n bevoegde hof, sal ek nie aan enige persoon enige aangeleentheid of inligting kommunikeer wat tot my kennis kom in verband met die ondersoek, of enige persoon toelaat of vergun om toegang te hê tot enige rekords van die Kommissie, met inbegrip van enige aantekeninge, rekord of transkripsie van die verrigtinge van sodanige Kommissie wat in my besit of beheer is of wat onder die beheer van die Kommissie of enige ander beampte is.”

(2) Geen persoon mag aan 'n ander persoon enige aangeleentheid of inligting wat in verband met die ondersoek tot sy of haar kennis gekom het kommunikeer nie, of toelaat of vergun dat enige ander persoon toegang tot die rekords van die Kommissie verkry nie, behalwe in soverre dit noodsaaklik is in die uitvoering van sy of haar pligte in verband met die werksaamhede van die Kommissie of op bevel van 'n bevoegde hof.

(3) Geen persoon mag sonder die skriftelike toestemming van die

Voorsitter—

- (a) enige dokument ingedien by die Kommissie deur enige persoon in verband met die ondersoek versprei nie of die inhoud van enige gedeelte van sodanige dokument publiseer nie; of
- (b) enige dokument, met inbegrip van 'n verklaring, wat bestem is om by die Voorsitter ingehandig te word bestudeer nie of sodanige dokument te onderskep waartydens dit na die Voorsitter geneem of aangestuur word.

(4) Geen persoon mag, behalwe in soverre dit noodsaaklik in die uitvoering van die opdrag van die Kommissie is, die verslag of enige tussentydse verslag van die Kommissie of 'n afskrif daarvan of 'n gedeelte of inligting met betrekking tot die oorweging van getuienis deur die Kommissie openbaar maak of aan 'n ander persoon verskaf.

Misdrywe en strawwe

12. (1) 'n Persoon wat die Voorsitter of enige lid van die Kommissie, beledig, neerhaal of verkleineer of die ondersoek of verrigtinge of bevindinge van die Kommissie benadeel, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) 'n Persoon wat—

- (a) regulasie 9 oortree;
- (b) opsetlik die Voorsitter of enige ander beampte in die uitoefening van enige bevoegdheid beoog by regulasie 10 hinder, vernet teen of dwarsboom; of
- (c) 'n bepaling van regulasie 11 oortree,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar—

- (i) in die geval van 'n misdryf bedoel by paragraaf (a) met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
- (ii) in die geval van 'n misdryf bedoel in paragraaf (b) of (c), met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Setel van Kommissie

13. (1) Die Voorsitter, na oorlegpleging met die Ander lede van die Kommissie, bepaal die setel van die Kommissie by Kennisgweing in die *Staatskoerant*.

(2) Die Kommissie kan, om toegang tot die Kommissie te verleen, sy verrigtinge by enige ander plek behartig waar die Voorsitter dit gepas ag.

Prosedures van Kommissie

14. (1) Die Voorsitter kan by wyse van Reëls deur hom uitgereik die prosedures van die Kommissie bepaal.

(2) Die Reëls van die Kommissie kan deur die Voorsitter, van tyd tot tyd soos wat hy dit nodig ag, verander of gewysig word.

(3) Indien omstandighede dit vereis, kan die Voorsitter die procedure van die Kommissie anders as by wyse soos in subregulasies (1) en (2) uiteengesit.

Wysiging van regulasies

15. Hierdie regulasies mag, van tyd tot tyd, bygevoeg toe word, verander of gewysig word.

Kort titel en inwerkingtreding

16. Hierdie regulasies heet die Regulasies van die Regterlike Kommissie van Onderzoek met betrekking tot kriminele gedrag, politiese inmenging en korrupsie in die Strafbestelsel voortspruitend uit bepaalde aantuigings openbaar gemaak deur Luitenant-Generaal Nhlanhla Mkhwanazi op 6 Julie 2025 en tree inwerking op die datum van publikasie in die *Staatskoerant*.

PROCLAMATION NOTICE R. 278 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: REGULATIONS

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby—

- (a) declare that the provisions of the said Act shall be applicable to 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 in terms of Proclamation No. 264 of 2025 published in *Gazette* No. 52749 dated 29 May 2025; and
- (b) make the regulations in the Schedule with reference to the said Commission.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this 18th day of August Two Thousand and Twenty-five.

M C RAMAPHOSA

President

By order of the President-in-Cabinet:

M T KUBAYI

Minister of the Cabinet

SCHEDULE
ARRANGEMENT OF REGULATIONS

1. Definitions
2. Proceedings of Commission
3. Persons to assist Commission
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7. Taking of oath or affirmation
8. Persons appearing before Commission
9. Disclosure of information
10. Search and seizure
11. Oath of fidelity or secrecy
12. Offences and penalties
13. Seat of Commission
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15. Amendment of regulations
16. Short title and commencement

Definitions

1. In these Regulations, unless the context otherwise indicates—

‘Chairperson’ means the Honourable Madam Justice S Khampepe appointed by the President;

‘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 in terms of Proclamation No. 264 of 2025 published in *Gazette* No. 52749 dated 29 May 2025;

‘document’ includes, whether in electronic form or otherwise, any book, pamphlet, record, list, circular, plan, poster, publication, drawing, photograph, picture, data, disc, hard drive or recording;

‘Inquiry’ means the inquiry conducted by the Commission;

‘Minister’ means the Minister of Justice and Constitutional Development;

‘Officer’ means any person appointed by the Chairperson and any other person in the service of the State who has been duly seconded to the Commission to provide

administrative support to the Commission; and

‘Secretary’ means a person appointed by the Chairperson who, under the direction of the Chairperson, assists the Commission in the performance of its functions.

Proceedings of Commission

2. (1) The proceedings of the Commission shall be recorded in the manner determined by the Chairperson.

(2) Any person appointed or designated to record proceedings of the Commission by mechanical or electronic means, or to transcribe such proceedings which have been so recorded, must, at the outset, take an oath or make an affirmation in the following form:

“I, A.B., declare under oath / affirm and declare that—

(a) I shall faithfully and to the best of my ability record the proceedings of the 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 by mechanical or electronic means as ordered by the Chairperson of the Commission; and

(b) I shall transcribe fully and to the best of my ability any mechanical record of the proceedings of the said Commission made by me or any other person.”

(3) No mechanical or electronic record of the proceedings of the Commission, that have been recorded by the person referred to in subregulation (2), may be transcribed except by order of the Chairperson and such transcription will be the only official record of the proceedings of the Commission after the Chairperson has approved such transcription.

Persons to assist Commission

3. The Chairperson may designate one or more knowledgeable or experienced persons to assist the Commission in the performance of its functions, in a capacity other than that of a member.

Personnel of Commission

4. (1) The Chairperson shall, in accordance with applicable legislation, appoint the Secretary of the Commission and such other persons and officers as may

be required to assist the Commission in carrying out its functions.

(2) The Chairperson may in writing, delegate to the Secretary, the authority to appoint certain categories of staff of the Commission.

(3) A person or an officer appointed by the Chairperson or the Secretary shall be appointed additional to the establishment of the Department of Justice and Constitutional Development for the period of such appointment or the duration of the Commission, as the case may be.

(4) The Minister must, at the request of, and on such conditions as may be determined by the Chairperson, second such officers from the public service as may be required to assist the Commission in the execution of its mandate: Provided that to the extent that an official identified for secondment to the Commission is in the employ of a department or State entity under another Minister, the Minister shall consult with the Minister concerned to facilitate such secondment.

Funds of Commission

5. The National Treasury will, in consultation with the Minister, ensure that adequate funds are made available to the Commission to realise its mandate.

Representation

6. Any person appearing before the Commission may be assisted by an advocate or an attorney.

Taking of oath or affirmation

7. The Chairperson or an officer generally or specifically authorised thereto by the Chairperson may, where necessary, administer an oath to or accept an affirmation from any person appearing before the Commission.

Persons appearing before Commission

8. (1) No person appearing before the Commission may refuse to answer any question on any grounds other than those contemplated in section 3(4) of the Commissions Act, 1947 (Act No. 8 of 1947).

(2) A self-incriminating answer or a statement given by a witness

before the Commission shall not be admissible as evidence against that person in any criminal proceedings brought against that person instituted in any court except in criminal proceedings where the person concerned is charged with an offence in terms of section 6 of the Commissions Act, 1947.

(3) Any witness appearing before the Commission may be cross-examined by a person only if the Chairperson permits such cross-examination should he or she deem it necessary and in the best interest of the functions of the Commission.

(4) (a) A witness may, after examination by an evidence leader of the Commission, be re-examined by his or her legal representative strictly for the purpose of explaining the evidence given by the witness during his or her examination, and only after an application to re-examine has been granted by the Chairperson.

(b) An evidence leader may, after the re-examination of a witness referred to in paragraph (a), conduct a further examination of the witness concerned.

Disclosure of information

9. Where, at the time of any person appearing during or at any aspect or stage of the inquiry, or presenting information to or giving evidence to or before the Commission, members of the general public are or have been excluded from attendance at any stage or aspect of the inquiry, or at the proceedings of the Commission, the Chairperson may, on the request of such a person, direct that no person shall disclose in any manner whatsoever, the name or address of such person or any information likely to reveal his or her identity.

Search and seizure

10. (1) The Chairperson or any officer may, with a warrant, for the purposes of the inquiry, at all reasonable times and without prior notice or with such notice as he or she may deem appropriate, enter and inspect any premises and demand and seize any document or article which is on such premises.

(2) Any entry upon or search of any premises or person thereon in terms of this regulation, shall be conducted with strict regard to decency and order including the right of a person to—

(a) respect for and the protection of his or her dignity;

- (b) freedom and security; and
- (c) his or her personal privacy.

(3) Subject to subregulation (4), the premises referred to in subregulation (1) may be entered only by virtue of a warrant issued in chambers by a judge of the area of jurisdiction within which the premises are situated.

(4) A warrant referred to in subregulation (1) may be issued by a judge in respect of premises situated in another area of jurisdiction, if he or she deems it justified.

(5) A warrant referred to in subregulation (1) may be issued only if it appears to the judge from information revealed under oath or affirmation, stating the need, in regard to the inquiry, for a search and seizure in terms of this regulation that there are reasonable grounds to believe that any document or article referred to in subregulation (1) is on or at such premises or suspected to be on or at such premises.

(6) For the purposes of conducting an investigation, the Chairperson may direct any person to submit an affidavit or affirmed declaration or to appear before the Commission to give evidence or to produce any document in his or her possession or under his or her control which has a bearing on the matter being investigated, and may examine such person.

Oath of fidelity or secrecy

11. (1) Every person employed in the execution of the functions of the Commission shall assist to preserve secrecy with regard to any matter or information that may come to his or her knowledge in the performance of his or her duties in connection with the said functions, except in so far as the publication of such matter or information is necessary for the purposes of the report of the Commission, and every such person, except the Chairperson, or any officer, or any person assisting the Commission in any other capacity shall, before performing any duty in connection with the Commission, take and subscribe before the Chairperson an oath of fidelity or secrecy in the following form:

“I, A.B., declare under oath / affirm and declare that, except in so far as it is necessary in the performance of my duties in connection with the functions of the Commission or by order of a competent court, I shall not communicate to any person any matter or information which comes to my knowledge in connection with the inquiry, or allow or permit any person to have access to any records of the Commission, including any notes, record or transcription of the

proceedings of the said Commission in my possession or custody of the said Commission or any officer.”.

(2) No person shall communicate to any other person any matter or information which may have come to his or her knowledge in connection with the inquiry, or allow or permit any other person to have access to any records of the Commission, except in so far as it is necessary in the performance of his or her duties in connection with the functions of the Commission or by order of a competent court.

(3) No person may without the written permission of the Chairperson—

- (a) disseminate any document submitted to the Commission by any person in connection with the inquiry or publish the contents or any portion of the contents of such document; or
- (b) peruse any document, including any statement, which is destined to be submitted to the Chairperson or intercept such document while it is being taken or forwarded to the Chairperson.

(4) No person shall, except in so far as shall be necessary in the execution of the terms of reference of the Commission, publish or furnish any other person with the report or any interim report of the Commission or a copy or a part thereof or information regarding the consideration of evidence by the Commission.

Offences and penalties

12. (1) Any person who insults, disparages or belittles the Chairperson or any member of the Commission or prejudices the inquiry or proceedings or findings of the Commission, is guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months.

(2) Any person who—

- (a) contravenes regulation 9;
 - (b) wilfully hinders, resists or obstructs the Chairperson or any officer in the exercise of any power contemplated in regulation 10; or
 - (c) contravenes a provision of regulation 11,
- is guilty of an offence and liable on conviction—
- (i) in the case of an offence referred to in paragraph (a) to a fine, or to imprisonment for a period not exceeding six months; and
 - (ii) in the case of an offence referred to in paragraph (b) or (c), to a fine, or to imprisonment for a period not exceeding 12 months.

Seat of Commission

13. (1) The Chairperson shall determine the seat of the Commission by Notice in the *Gazette*.

(2) The Commission may, for purposes of facilitating access to the Commission, conduct hearings at any other place as may be determined by the Chairperson where he or she considers it appropriate to do so.

Procedures of Commission

14. The Commission may determine its own procedures.

Amendment of regulations

15. These regulations may be added to, varied or amended from time to time.

Short title and commencement

16. These regulations shall be called 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 and shall come into effect on publication in the *Gazette*.

PROKLAMASIE KENNISGEWING R. 278 VAN 2025
van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

**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: REGULASIES**

Ek, kragtens die bevoegdheid verleen aan my ingevolge artikel 1 van die Kommissiewet, 1947 (Wet No. 8 van 1947), hierby—

- (a) bepaal dat die bepalings van die genoemde Wet van toepassing is op 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 wat deur Proklamasie No. 264 van 2025 in *Staatskoerant* No. 52749 van 29 Mei 2025 ingestel is; en
- (b) maak die regulasies in die Bylae met betrekking tot vermelde Kommissie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 18^{de} dag van Augustus Twee Duisend Vyf-en-Twintig.

M C RAMAPHOSA

President

Op las van die President-in-Kabinet:

M T KUBAYI

Minister van die Kabinet

BYLAE

INDELING VAN REGULASIES

1. Woordomskrywings
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3. Persone om Kommissie by te staan
4. Personeel van Kommissie
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15. Wysiging van regulasies
16. Kort titel en inwerkingtreding

Woordomskrywings

1. In hierdie Regulasies, tensy die teendeel blyk uit die konteks, beteken—**‘Beampte’** ‘n persoon wat deur die Voorsitter aangestel is en enige ander persoon in diens van die Staat wat behoorlik tot die Kommissie gesecondeer is om administratiewe hulp aan die Kommissie te verleen;

‘dokument’ ook, hetsy in elektroniese formaat of andersins, enige boek, pamflet, rekord, lys, omsendskrywe, plan, plakkaat, publikasie, tekening, foto, prent, data, skyf, harde skyf of opname;

‘Kommissie’ die Regterlike Kommissie van Onderzoek ten einde onderzoek in te stel na bewerings van pogings wat gemaak is om onderzoek in te stel na bewerings van pogings wat gemaak is om die onderzoek of vervolging van die Waarheids-en-Versoeningkommissie sake te stop wat kragtens Proklamasie No. 264 van 2025 in *Staatskoerant* No. 52749 van 29 Mei 2025 ingestel is;

‘Minister’ die Minister van Justisie en Staatkundige Ontwikkeling;

‘Onderzoek’ die onderzoek deur die Kommissie wat gedoen word;

‘Sekretaris’ ‘n persoon wat deur die Voorsitter aangestel is wat, kragtens die

aanwysing van die Voorsitter, die Kommissie in die uitvoering van sy pligte behulpsaam is; en

‘**Voorsitter**’ die Agbare Regter S Khampepe deur die President aangestel.

Verrigtinge van Kommissie

2. (1) Die verrigtinge van die Kommissie word opgeneem op die wyse wat die Voorsitter bepaal.

(2) ‘n Persoon wat aangestel of aangewys is om die verrigtinge van die Kommissie by wyse van meganiese of elektroniese wyse op te neem, of om sodanige verrigtinge wat opgeneem is te transkribeer, moet, vanuit die staanspoor, ‘n eed of plegtige verklaring in die volgende vorm aflê:

“Ek, A.B., verklaar onder eed / bevestig en verklaar dat—

(a) Ek sal getrou en na die beste van my vermoë die verrigtinge van die 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 by wyse van meganiese of elektroniese wyse opneem; en

(b) Ek sal enige meganiese of elektroniese rekord van die verrigtinge van die vermelde Kommissie wat deur myself of ‘n ander persoon gemaak is, ten volle en na die beste van my vermoë transkribeer.”

(3) Geen meganiese of elektroniese rekord van die verrigtinge van die Kommissie, wat deur die persoon in subregulasie (2) bedoel opgeneem is, mag sonder die opdrag van die Voorsitter getranskribeer word nie en sodanige transkripsie is die enigste amptelike rekord van die verrigtinge van die Kommissie nadat die Voorstitter sodanige transkripsie goedgekeur het.

Persone om Kommissie by te staan

3. Die Voorsitter kan een of meerdere persone met die kennis of ervaring aanwys om die Kommissie, in ‘n hoedanigheid anders as ‘n lid, by te staan.

Personeel van Kommissie

4. (1) Die Voorsitter moet, in ooreenstemming met toepaslike wetgewing, ‘n Sekretaris en sodanige ander persone en beamptes as wat die

Kommissie mag vereis om die Kommissie in die uitvoering van sy funksies by te staan, aanstel.

(2) Die Voorsitter kan die Sekretaris op skrif delegeer om sekere kategorieë van personeel aan te stel.

(3) 'n Persoon of 'n beampte wat deur die Voorsitter aangestel is word bykomend tot die diensstaat van die Departement van Justisie en Staatkundige Ontwikkeling vir die tydperk van sodanige aanstelling of vir die duur van die Kommissie, na gelang van die geval, aangestel.

(4) Die Minister moet, op versoek van, en op sodanige voorwaardes as wat die Voorsitter mag bepaal, sodanige beamptes van die staatsdiens as wat vereis word om die Kommissie in sy werksaamhede by te staan sêkondeer: Met dien verstande dat in die mate wat 'n beampte wat geïdentifiseer is vir sêkondering tot die Kommissie in diens van 'n department of 'n Staatsentiteit onder 'n ander Minister is, moet die Minister met die betrokke Minister in oorleg pleeg om sodanige sêkondering te fasiliteer.

Fondse van Kommissie

5. Die Nasionale Tesourie moet, in oorlegpleging met die Minister, verseker dat voldoende fondse aan die Kommissie beskikbaar gestel word om sy mandaat uit te voer.

Verteenwoordiging

6. 'n Persoon wat voor die Kommissie verskyn kan deur 'n advokaat of prokureur bygestaan word.

Neem van eed of plegtige verklaring

7. Die Voorsitter of 'n beampte in die algemeen of bepaald daartoe deur die Voorsitter gemagtig kan, waar nodig, die aflê van 'n eed behartig of 'n plegtige verklaring van 'n persoon wat voor die Kommissie verskyn, aanvaar.

Persone wat voor Kommissie verskyn

8. (1) Geen persoon wat voor die Kommissie verskyn mag weier om enige vraag op enige gronde anders as daardie in artikel 3(4) van die Kommissiewet, 1947 (Wet No. 8 van 1947), vermeld, te antwoord nie.

(2) 'n Self-inkriminerende antwoord of verklaring wat deur 'n getuie voor die Kommissie gegee word is nie as getuienis in enige strafregtelike verrigtinge wat teen die persoon in enige hof gebring word toelaatbaar nie behalwe waar die betrokke persoon in strafregtelike verrigtinge van 'n misdryf ingevolge artikel 6 van die Kommissiewet, 1947, aangekla word.

(3) 'n Getuie wat voor die Kommissie verskyn kan slegs deur 'n persoon gekruisondervra word indien die Voorsitter sodanige kruisondervraging toelaat indien hy of sy dit nodig en in die beste belange van die werksaamhede van die Kommissie ag.

(4) (a) 'n Getuie mag, na ondervraging deur 'n getuienisleier van die Kommissie, hêr-ondervra word deur sy of haar regsvertegenwoordiger vir doeleindes daarvan om die getuienis wat deur die getuie tydens sy of haar ondervraging gegee is, en nadat 'n aansoek tot hêr-ondervraging deur die Voorsitter toegestaan is, te verduidelik.

(b) 'n Getuienisleier mag, na die hêr-ondervraging van 'n getuie in paragraaf (a) bedoel, 'n betrokke getuie verder ondervra.

Bekendmaking van inligting

9. Waar, by tye daarvan dat 'n persoon wat verskyn of te enige aspek of fase van die verrigtinge, of inligting oorlê aan of getuienis aanbied voor die Kommissie, lede van die algemene publiek wat van bywoning tydens enige fase of aspek van die ondersoek of by die verrigtinge van die Kommissie geweier is of was, kan die Voorsitter, op versoek van sodanige persoon, opdrag gee dat geen persoon inligting op enige wyse wat ookal die naam of adres van sodanige persoon of enige inligting wat moontlik sy of haar identiteit openbaar sal maak, bekend maak nie.

Deursoeking en beslaglegging

10. (1) Die Voorsitter of 'n beampte mag, met 'n lasbrief, vir doeleindes van die ondersoek, te alle redelike tye en sonder vooraf kennisgewing of met sodanige kennisgewing as wat hy of sy gepas ag enige perseel betree en deursoek en

aanspraak maak en beslag lê op en enige dokument of artikel wat op sodanige perseel is.

(2) Enige betreding van 'n perseel of deursoeking van 'n perseel of persoon teenwoordig ingevolge hierdie regulasie moet uitgevoer word met streng inagneming van ordentelikheid en orde met inbegrip van—

- (a) 'n persoon se reg op, respek vir en die beskerming van sy of haar waardigheid;
- (b) die reg van 'n persoon op vryheid en sekuriteit; en
- (c) die reg van 'n persoon op sy of haar persoonlike privaatheid.

(3) Die perseel bedoel in subregulasie (1) mag, onderhewig aan subregulasie (4), slegs betree word op grond van 'n lasbrief wat deur 'n regter in kamers uitgereik is deur 'n regter van die area van jurisdiksie waarbinne die perseel geleë is.

(4) 'n Lasbrief bedoel in subregulasie (1) kan deur 'n regter uitgereik word ten opsigte van 'n perseel wat in 'n ander area van jurisdiksie geleë is indien hy of sy dit gereverdig ag.

(5) 'n Lasbrief bedoel in subregulasie (1) mag slegs uitgereik word indien dit vir die regter blyk op grond van inligting onder eed verskaf, wat die noodsaaklikheid, met betrekking tot die ondersoek, vir 'n deursoeking en beslaglêgging ingevolge hierdie regulasie dat daar redelike gronde is om te glo dat enige dokument of artikel bedoel in subregulasie (1) vermeld op so 'n of by sodanige perseel teenwoordig is of vermoed word op sodanige perseel te wees.

(6) Vir doeleindes van die verrigting van 'n ondersoek kan die Voorsitter opdrag gee aan enige persoon om 'n beëdigde of plegtige verklaring in te dien of om voor die Kommissie te verskyn en getuienis af te lê of om enige dokument in sy of haar besit of onder sy of haar beheer wat tersaaklik is tot die aangeleentheid wat ondersoek word oor te lê en kan sodanige persoon ondervra.

Eed van getrouheid of geheimhouding

11. (1) 'n Persoon wat in diens is vir die uitvoering van die werksaamhede van die Kommissie moet daarmee behulpsaam wees op geheimhouding in stand te hou met betrekking tot enige aangeleentheid of inligting wat moontlik tot sy of haar kennis kan kom in die uitvoering van sy of haar werksaamhede in verband met sodanige werksaamhede, behalwe vir soverre die publikasie van sodanige aangeleentheid of inligting noodsaaklik is vir doeleindes van die verslag van die Kommissie, en elke sodanige persoon, met uitsondering van die Voorsitter, of enige

beampte, of enige persoon wat die Kommisie in enige ander hoedanigheid behulpsaam is moet, alvorens enige plig in verband met die Kommissie verrig word, 'n eed van getrouheid of geheimhouding voor die Voorsitter in die volgende vorm aflê:

“Ek, A.B., verklaar onder eed / bevestig en verklaar dat, behalwe vir soverre dit noodsaaklik is in verband met die verrigting van die werksaamhede van die Kommissie of op bevel van 'n bevoegde hof, sal ek nie aan enige persoon enige aangeleentheid of inligting kommunikeer wat tot my kennis kom in verband met die ondersoek, of enige persoon toelaat of vergun om toegang te hê tot enige rekords van die Kommissie, met inbegrip van enige aantekeninge, rekord of transkripsie van die verrigtinge van sodanige Kommissie wat in my besit of beheer is of wat onder die beheer van die Kommissie of enige ander beampte is.”

(2) Geen persoon mag aan 'n ander persoon enige aangeleentheid of inligting wat in verband met die ondersoek tot sy of haar kennis gekom het kommunikeer nie, of toelaat of vergun dat enige ander persoon toegang tot die rekords van die Kommissie verkry nie, behalwe in soverre dit noodsaaklik is in die uitvoering van sy of haar pligte in verband met die werksaamhede van die Kommissie of op bevel van 'n bevoegde hof.

(3) Geen persoon mag sonder die skriftelike toestemming van die Voorsitter—

- (a) enige dokument ingedien by die Kommissie deur enige persoon in verband met die ondersoek versprei nie of die inhoud van enige gedeelte van sodanige dokument publiseer nie; of
- (b) enige dokument, met inbegrip van 'n verklaring, wat bestem is om by die Voorsitter ingehandig te word bestudeer nie of sodanige dokument te onderskep waartydens dit na die Voorsitter geneem of aangestuur word.

(4) Geen persoon mag, behalwe in soverre dit noodsaaklik in die uitvoering van die opdrag van die Kommissie is, die verslag of enige tussentydse verslag van die Kommissie of 'n afskrif daarvan of 'n gedeelte of inligting met betrekking tot die oorweging van getuienis deur die Kommissie openbaar maak of aan 'n ander persoon verskaf.

Misdrywe en strawwe

12. (1) 'n Persoon wat die Voorsitter of enige lid van die Kommissie, beledig, neerhaal of verkleineer of die ondersoek of verrigtinge of bevindinge van die Kommissie benadeel, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) 'n Persoon wat—

- (a) regulasie 9 oortree;
- (b) opsetlik die Voorsitter of enige ander beampte in die uitoefening van enige bevoegdheid beoog by regulasie 10 hinder, vernet teen of dwarsboom; of
- (c) 'n bepaling van regulasie 11 oortree,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar—

- (i) in die geval van 'n misdryf bedoel by paragraaf (a) met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
- (ii) in die geval van 'n misdryf bedoel in paragraaf (b) of (c), met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Setel van Kommissie

13. (1) Die Voorsitter bepaal die setel van die Kommissie by Kennisgweing in die *Staatskoerant*.

(2) Die Kommissie kan, om toegang tot die Kommissie te verleen, sy verrigtinge by enige ander plek behartig waar die Voorsitter dit gepas ag.

Prosedures van Kommissie

14. Die Kommissie kan sy eie prosedures bepaal.

Wysiging van regulasies

15. Hierdie regulasies mag van tyd tot tyd, bygevoeg toe word, verander of gewysig word.

Kort titel en inwerkingtreding

16. Hierdie regulasies heet die Regulasies 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 en tree inwerking op die datum van publikasie in die *Staatskoerant*.

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