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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE OF CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

SANEF and the Zondo Commission hold positive talks
26 January 2019

Representatives from the South African National Editors Forum (SANEF) and the Zondo Commission held a positive and productive meeting yesterday in Johannesburg.

SANEF recognized the critical work of the Commission in uncovering corruption and state capture and endorsed the importance of protecting the integrity of the Commission and its work.

With regard to the parties' failure to hold a meeting towards the end of last year, both parties acknowledge that this was due to their failure to find a date that was suitable to everybody.

The Zondo Commission confirmed the equally important role of the media in ensuring the public's right to know and access the content and proceedings of the Commission's work - and the overall importance of this in strengthening South Africa's constitutional principles of freedom of information, access to information and open justice. Both parties emphasized the need for the observance of the constitution and the law at all times.

Three important issues were discussed: the regulations of the Commission, the timing of the release of Commission documents and allegations of a list of paid journalists.

Regulation 11 (3) of the regulations applicable to the commission was discussed in some detail. The regulation states:

No person shall 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*

SANEF raised a number of concerns with this regulation including the concern that it prohibits journalists from accessing documents already in the public domain. SANEF and the Commission agreed to look at the legal implications of this issue and to take the matter further to ensure a careful balance between ensuring access to documents already in the public domain, and released by witnesses themselves, and further protecting the integrity of the Commission's work and processes.

In terms of the timing of the release of documents, SANEF raised the importance of journalists having access to the full set of witness documents including annexures at the start of a witness testimony - in order to ensure in-depth and nuanced coverage of the issues. The Commission indicated that, as a general rule, it will release witness's statements to the media when a witness has dealt with all matters covered in his/her statement. However, a special arrangement may be made for the Chairperson of the Commission to grant journalists accredited by the Commission permission to have access to documents and witness statements prior to a witness giving evidence or finishing giving evidence. In such a case the Chairperson will grant access on terms and conditions that he may stipulate.

SANEF also raised the damning allegation made that certain journalists were on the payroll of BOSASA to ensure positive coverage of the organisation. SANEF raised the serious dangers of this allegation in terms of casting aspersions on the journalism profession as a whole. The Commission informed SANEF that, as the evidence suggests that payments were made to journalists as bribes to cover-up corruption or turn a blind eye to State Capture, the Commission is bound to investigate this matter further as part of its work. SANEF welcomed this and asked members of the public to forward any information they may have to the Commission.

Both parties acknowledged that there was a need to have ongoing discussions in order to deal with other issues on which they may still wish to find common ground.

Mr Peter Pedlar
Acting Secretary of the Commission
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