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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 863 **15 AUGUST 2018**

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

2nd Floor, Hillside on Empire, 16 Empire Road, Parktown, Johannesburg, 2193

www.sastatecapture.org.za Tel: (010) 214-0651

PRACTICE DIRECTION 1 ISSUED IN TERMS OF RULE 12:

GUIDELINES ON THE MEDIA COVERAGE

Of

PROCEEDINGS OF THE COMMISSION

7 August 2018

Introduction

1. Ahead of the commencement of its hearing on 20 August 2018, the Commission has adopted guidelines[1] in regard to the media coverage of its proceedings. These take the form of a practice direction issued by the Chairperson of the Judicial Commission of Inquiry Into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State ("Commission") and are hereby published for general knowledge. Through these guidelines the Commission seeks to give effect to the

[1] The guidelines are based on, and, adapted from, "Practice Notice 1 /2009: Expanded Media Coverage of Proceedings of the SCA" issued by the Supreme Court of Appeal.

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values of transparency and accountability in regard to how it conducts its proceedings in the execution of its mandate.

2. This practice direction is issued in terms of Rule 12 of the Rules of the Commission.

Filming or recording of proceedings of the Commission

3. Any media house, company or party which wishes to film or record the proceedings of the Commission must direct a written request to the Commission through the Secretary of the Commission at least one week before the date when it wishes to film or record proceedings. The request must include a statement that the media house or company or person or party is aware of the provisions of this practice direction and undertakes to comply with them. The Secretary must furnish the original of the request to the Chairperson and a copy to the Commission's Legal Team.

4. Any such request shall be published on the Commission's website as soon as possible after its receipt by the Secretary of the Commission.

5. Any party who wishes to object to a request must do so in writing at least three business days prior to the commencement of the proceedings.

6. The Chairperson shall consider and determine whether to grant the request(s) received to film or record the proceedings of the Commission, after considering any objections received.

7. A media house, company or any party granted leave to film or record proceedings of the Commission may only do so subject to the conditions set out below.

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Equipment limitations

8. Video: one camera only may be used at a time and the location of the camera is not to change while the hearing is in session.

9. Audio: the media must install their own audio recording system provided this is unobtrusive and does not interfere with the proceedings. Individual journalists may bring tape recorders in the auditorium for purposes of recording the proceedings but the changing of cassettes while the Commission is in session is not permitted.

10. Still Cameras: Only one camera is allowed and the location of the camera is not to change and no changing of lenses or film while the Commission is in session is permitted.

11. All camera, video and audio equipment: the equipment must be in position at least 30 minutes before the start of the proceedings and may be moved or removed only when the Commission is in not in session. Camera cables and the like are not to interfere with the free movement at the venue of the hearing.

12. Lighting: no movie lights, flash attachments or artificial lighting devices may be used during proceedings.

13. Operating signals: no visible or audible light signal may be used on any equipment.

Pooling Arrangements:

14. Only one media representative may conduct each of the audio, video and still photography activities.

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15. The media representative is to be determined by the media themselves and is to operate an open and impartial distribution scheme in terms of which the footage, sound or photographs would have to be distributed in a 'clean' form, that is, with no visible logos or any symbols to any other media organization requesting same and would also be archived in such a manner that it remains freely available to other media.

16. A media house, company or entity or party or person seeking leave to film or record proceedings of the Commission that does not give an undertaking to comply with the provisions of this practice direction will not be granted leave to film or record the proceedings.

Rules regarding behaviour of media representatives

17. Conduct must be consistent with the decorum and dignity of the hearing.

18. No identifying names, marks, logos or symbols should be used on any equipment or clothing worn by media representatives.

19. All representatives (including camera crew) must be appropriately dressed.

20. Equipment must be positioned and operated to minimize any distraction while the hearing is in session.

Absolute bar

21. There is an absolute bar on the following:

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21.1 audio recordings or close up photography of any of the Chairperson's discussions;

21.2 audio recordings or close up photography of communications between or among members of the Commission's Legal Team, and between or among any other legal representatives or between or among individuals and their legal representatives;

21.3 close-up photographs or filming of the Chairperson, lawyers, or persons present at the hearing;

21.4 recordings (whether video or audio) being used for commercial or political advertising purposes thereafter;

21.5 use of sound bytes without the prior consent of the Chairperson.

Further directions

22. The Chairperson may give such further directions as he may deem appropriate, including directions that portions of the proceedings may not be recorded, or that already recorded portions of the proceedings may not be publicized or distributed, and must be deleted.

23. The Chairperson may at any stage suspend the filming or recording of the proceedings if he regards the filming or recording to be disruptive of the proceedings.

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Offence

24. Any person who, in filming or recording the proceedings of the Commission, wilfully fails to comply with or who wilfully disregards the conditions set out above may be guilty of an offence in terms of section 5 of the Commissions Act 8 of 1947.

issued on 7 August 2018

Justice RMM Zondo

Deputy Chief Justice of the Republic of South Africa

and

Chairperson of the Commission

Inquiries

All media inquiries relating to the Commission, including all requests for information and interviews, must be addressed to the Spokesperson of the Commission, Rev. Mbuyiselo Stemela at the following details:

Email: mbuyiselos@commissionsc.org.za

Tel: (010) 214 0651

Cell: 079 975 2849

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