



## commission of inquiry

*Truth, Restoration and Justice*

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### Procedure to be followed during Marikana Commission of Inquiry

The Secretary of the Marikana Commission (Secretary) hereby issues procedures for the Marikana Commission of Inquiry as directed by the Chairperson of the Commission (herein after Chairperson):

#### 1. Commencement of the Marikana Commission of Inquiry

The Commission of Inquiry will commence on 1 October 2012 at Auditorium A, Civic Centre, Rustenburg

#### 2. Procedure at the commencement of the Inquiry

In terms of regulation 19 of the Regulations applicable to the Marikana Commission of Inquiry published in Government Gazette No. 35730 dated 28 September 2012, the Chairperson has, after consultation with the other Commissioners, determined the following procedure in relation to the loco inspection and the participation of the media in the inquiry:

##### (a) Parties to the Inquiry

- (i) The parties will convene at the Rustenburg Civic Centre at 09h00. Thereafter, the Commission will proceed to undertake an in loco inspection.
- (ii) The parties and their representatives shall be recorded

##### (b) Acknowledgement of family members of the deceased

Family members and the next of kin of deceased persons who died as result of the tragic incidence will be acknowledged.

##### (c) The Inquiry shall be open to the public

- (i) The Inquiry shall be open to the members of the public except when the chairperson rules that part of the proceedings must be held in camera in the interest of justice.



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- (ii) The number of persons in attendance of the Inquiry in Auditorium 1 shall be limited to the number of seats of the Auditorium 1 and shall be on first come first served basis. Arrangements will be made for viewing facilities adjacent to Auditorium 1 and the Marikana Community Hall to the extent that this is possible and practical
  - (iii) Members of the family and the next of kin of the deceased persons who died as a result of the incident will get preference in the allocation of seats at the Auditorium 1.
  - (iv) All people who attend the Inquiry or enter premises of the Commission may be subject to body search and other security measures to ensure a safe and secure environment for the Commission. Any person who refuses to be subjected himself or herself thereto or who fails to meet the security requirements will be denied access to the Inquiry and its premises.
- (d) Procedure during the in loco inspection
- (i) Parties will be invited to point out places which they consider of relevance to the Commission's inquiry.
  - (ii) The Commission shall keep an audio-visual recording of the point-to-point descriptions during the in loco inspection as may be directed by the Chairperson.
2. **Procedure of Inquiry after the in loco inspection**
- (i) On Wednesday 3 October the formal sittings of the Commission will commence at the Civic Centre. The first session will focus on the events immediately preceding on 16 August 2012 and
  - (ii) Each party will have the opportunity to give the Commission a presentation consisting of an overview of those events from its perspective, in accordance with the information which it has been able to collect thus far. This will assist the Commission to understand the issues between the parties and facilitate the conduct of the hearing. It will similarly assist the parties in their participation in and further preparation for the hearing.



- (iii) With regard to SAPS in particular, it is the Commission's desire that its presentation should provide an overview of the events from its perspective of the SAPS, and include notes, photographs and plans with annotations.
- (iv) Representatives of the Madibeng and Rustenburg local municipalities may, where necessary, be required to point places to the Commission in relation to the informal or formal settlements under their jurisdiction.

### 3. Participation of the media at the Inquiry

#### (a) Accreditation of the media

- (i) Application for accreditation may be made by a representative, employer or employee of a legitimate news media house, news publication, TV or radio broadcaster, web news channel, news agency or photographic agency. Those who are freelancers, or employees of a TV or film production house will require a letter commissioning you by a news media entity, news media house, news publication, TV or radio broadcaster, web news channel, news agency or photographic agency to provide coverage or reports of the Commission's work. Any media representative or employer may apply for accreditation subject to conditions relating to security clearance of the Department of State Security.
- (ii) Applications for accreditations will be considered from Sunday 30 September 2012. Applications must be forwarded to the following Fax No. 014 - 590 3679
- (iii) Accredited Media Representatives and employers shall abide by all rules and conditions of the accreditation and any directive that the Secretary may issue under the instruction of the Commission.
- (iv) The Department of State Security or Secretary reserves the right to, after giving the affected a hearing, revoke the accreditation at any time for breach of any rule, condition or directive issued by the Department or the Secretary as the case may be.



- (v) Access to the premises of the Commission shall only be authorized to Accredited Media Representatives who display their accreditation cards to the security personnel.
- (vi) Accredited Media Representative may use media facilities provided for that purpose at the Commission premises.
- (b) Photographic Accreditation
  - (i) Accredited Media Representatives will be allowed to take photographs of the proceedings including the inspection in loco. Any photograph taken at the Inquiry shall be for the media editorial purposes only. No such photographs shall be sold or the copyright the copy right shall be licenced or sublicenced for any purpose other than editorial purposes.
  - (ii) Accredited Media Representatives or employers must make copies of the photographs available to the Commission cost recovery basis for use by the Commission.
- (c) Television and Video Accreditation
  - (i) No accreditation shall be granted for coverage of the proceedings of the Inquiry including the inspection in loco, by any means including the use of internet or by way of mobile telephone or modem, or any method of filming, save under such terms and conditions as may be determined by the Chairperson upon application.
- (d) Radio Accreditation

Accreditation may be provided for delayed or news radio broadcast of the proceedings of the Inquiry subject to such terms and conditions as may be determined by the Chairperson.

- (e) Previews of witnesses

Accredited Media Representatives of employers may not interview any of the witnesses who are on the list of witnesses who will give evidence or



produce any document before the Commission prior to such witness giving his or her evidence to the Commission, or thereafter without written permission of the Chairperson and subject to such terms and conditions may determine.

(f) Indemnity

(i) Accredited Media Representatives and/ or the employers hereby indemnify and hold harmless the Commission against, without limitation:

(aa) Any claim of any nature whatsoever from any third party

(bb) Any loss or damage from any cause whatsoever suffered by an Accredited Media Representative or employer:

(cc) Any loss or damage from any cause whatsoever ~~Accredited media representatives and/ or employers~~ ~~Accredited Media Representatives or~~ the Commission and where applicable, the Chairperson pursuant to this accreditation are personal to the representative and are not transferable to any other person.



Adv JB Skosana  
Act/ Secretary

Date: 28 September 2012

For enquiries: Adv Kevin Malunga: 014 590 3675 / 082 466 8968