



2nd floor, Hillside House
17 Empire Road,
Parktown
Johannesburg
2193
Tel: (010) 214-0651
Email:

inquiries@sastatecapture.org.za
Website: www.sastatecapture.org.za

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

8 November 2018

Media statement issued by:

Justice RMM Zondo, Deputy Chief Justice and Chairperson of the Commission with regard to the leaks and publication of witnesses' statements before the witnesses give evidence.

1. Since the commencement of the public hearings of the Commission in August 2018, various sections of the media have disseminated and published contents of witnesses' statements submitted to the Commission in connection with the inquiry of the Commission before the witnesses give evidence before the Commission and without the written permission of the Chairperson. The latest incident relates to the statement submitted to the Commission by Minister Pravin Gordhan, Minister of Public Enterprises. The same thing also happened with the statement submitted to the Commission by former Minister of Public Enterprises, Ms Barbara Hogan. Both Minister Gordhan and Ms Hogan are yet to give their evidence before the Commission.

2. An investigation is to be conducted to try and establish the people responsible for the leaks of witnesses' statements. However, in the meantime I wish to draw the attention of all media houses and the public to the provisions of Regulations 11(3) and 12(2)(c) of the Regulations governing the Commission. Regulation 11(3) reads:

“(3) 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.”**

Regulation 12(2)(c) reads:

“(2) Any person who-

- (c) contravenes a provision of regulation 11 is guilty of an offence and liable on conviction –**
- (i)**
- (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.”**

3. These Regulations make it clear that it is a criminal offence for anyone – and that includes the media – to disseminate or publish, without the written permission of the Chairperson, any document (which includes witnesses' statements) submitted to the Commission by any person in connection with the Commission's inquiry.

4. After a witness has given evidence in public before the Commission and his or her statement has been handed up at the public hearing, the media may publish

his or her statement or portions thereof unless the Chairperson orders otherwise.

5. I urge the media and everyone to observe Regulation 11(3) and desist from disseminating or publishing witnesses' statements or portions thereof before the witnesses have given evidence at a hearing of the Commission unless the Chairperson's written permission has been obtained. I, therefore, trust that, in support of the work of the Commission, all media houses, journalists, commentators, analysts and the public at large will not act in breach of the Regulations and will show respect for the processes of the Commission.

Issued by the Commission of State Capture

Media enquiries:

Rev. Mbuyiselo Stemela

Spokesperson: Commission

Email: MbuyiseloS@commissionsc.org.za

Cell: 060 782 7965