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VAN
SUID-AFRIKA



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No. 12286

OPDRAG

van die

Staatspresident van die Republiek van Suid-Afrika

Aan:

SY EDELE REGTER L. T. C. HARMS

Saluut!

Aangesien ek dit dienstig ag om 'n kommissie aan te stel om ondersoek in te stel na en verslag te doen oor die aangeleenthede hieronder vermeld en groot vertroue het in u kennis en bekwaamheid, magtig ek u en stel ek u aan as Voorsitter en enigste lid van 'n kommissie, met die volgende opdrag:

1. Om ondersoek in te stel na en verslag te doen oor die beweerde voorkoms van moorde en ander onregmatige daade van geweld wat in die Republiek van Suid-Afrika (ingeslote die selfregerende gebiede) gepleeg is ten einde 'n staatkundige of politieke oogmerk in die Republiek van Suid-Afrika te bereik, teweeg te bring of te bevorder, en ten opsigte waarvan die geregtelike proses voltooi is of wat nie opgelos is nie of ten opsigte waarvan die ondersoeke vanweë gebrek aan getuienis nie vorder nie.

2. Om, indien bevind word dat daar wel sodanige moorde en daade van geweld gepleeg is, verslag te doen oor—

(i) wie of welke liggame, instellings of organisasies sodanige moorde of daade van geweld as dader, medeplegtige of begunstiger pleeg, laat pleeg of opdrag gee dat dit gepleeg word, of dit in die verlede gedoen het; en

(ii) wie sodanige persoon, liggame, instellings of organisasies finansier of gefinansier het.

3. Om ondersoek in te stel na en verslag te doen oor enige ander aangeleentheid wat volgens u oordeel met die voorgaande verband hou.

COMMISSION

by the

State President of the Republic of South Africa

To:

THE HONOURABLE MR JUSTICE
L. T. C. HARMS

Greetings!

Whereas I deem it expedient to appoint a commission to inquire into and report on the matters mentioned hereinafter and by reason of the great trust I repose in your knowledge and ability, I hereby authorise and appoint you to be the Chairman and sole member of a commission, with the following terms of reference:

1. To inquire into and to report on the alleged occurrence of murders and other unlawful acts of violence committed in the Republic of South Africa (including the self-governing territories) in order to achieve, bring about or further any constitutional or political aim in the Republic of South Africa and in respect of which the judicial process has been completed or which have not been solved or in respect of which the investigations are, owing to lack of evidence, not progressing.

2. If it be found that such murders and acts of violence were committed, to report on—

(i) who or what bodies, institutions or organisations commit or cause or instruct to be committed such murders or acts of violence as principal offender, accomplice or accessory after the fact, or have done so in the past; and

(ii) who finances or has financed any such person, body, institution or organisation.

3. To inquire into and to report on any other matter which, in your opinion, is relevant to the foregoing.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die 2de dag van Februarie, Eenduisend Negehonderd-en-negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. Coetsee,

Minister van die Kabinet.

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 16, 1990

KOMMISSIE VAN ONDERSOEK NA SEKERE BEWEERDE MOORDE

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet No. 8 van 1947), verklaar ek hierby dat die bepalings van daardie Wet van toepassing is op die Kommissie van Onderzoek na Sekere Beweerde Moorde en vaardig ek hierby die Regulasies (Afrikaans en Engels) in die Bylae vervat met betrekking tot genoemde Kommissie uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die 2de dag van Februarie Eenduisend Negehonderd-en-negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,

Minister van die Kabinet.

BYLAE

REGULASIES

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“beampte” iemand wat in die voltydse diens van die Staat is en wat aangestel of aangewys is om die Kommissie by die verrigting van sy werksaamhede behulpsaam te wees;

“dokument” ook ’n boek, pamflet, aantekening, lys, omsendbrief, plan, plakkaat, aanplakbiljet, publikasie, tekening, foto of prent;

“Kommissie” die in hierdie proklamasie bedoelde Kommissie van Onderzoek na Sekere Beweerde Moorde;

“ondersoek” die ondersoek wat deur die Kommissie ingestel word;

“perseel” ook grond of ’n gebou, bouwerk, gedeelte van ’n gebou of bouwerk, voertuig, vervoermiddel, vaartuig of lugvaartuig;

“Voorsitter” die Voorsitter van die Kommissie.

2. Die verrigtinge van die Kommissie word genoteer op die wyse deur die Voorsitter bepaal.

3. (1) Iemand wat aangestel of aangewys is om die verrigtinge van die Kommissie in snelskrif aan te teken of op meganiese wyse op te neem of om sodanige ver-

Given under my Hand and the Seal of the Republic of South Africa at Cape Town, this 2nd day of February, One thousand Nine hundred and Ninety.

F. W. DE KLERK,

State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,

Minister of the Cabinet.

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 16, 1990

COMMISSION OF INQUIRY INTO CERTAIN ALLEGED MURDERS

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare that the provisions of that Act shall be applicable to the Commission of Inquiry into Certain Alleged Murders and I hereby make the Regulations (Afrikaans and English) contained in the Schedule with reference to the said Commission.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 2nd day of February, One thousand Nine hundred and Ninety.

F. W. DE KLERK,

State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,

Minister of the Cabinet.

SCHEDULE

REGULATIONS

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

“Chairman” means the Chairman of the Commission;

“Commission” means the Commission of Inquiry into Certain Alleged Murders referred to in this proclamation;

“document” includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“inquiry” means the inquiry conducted by the Commission;

“officer” means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the execution of its functions;

“premises” includes any land, building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.

2. The proceedings of the Commission shall be recorded in the manner determined by the Chairman.

3. (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such

rigtinge wat aldus aangeteken of opgeneem is, te transkribeer, moet vooraf 'n eed of bevestiging in die volgende vorm aflê:

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

- (a) dat ek getrou en na my beste vermoë die verrigtinge van die Kommissie van Onderzoek na Sekere Beweerde Moorde, in snelskrif sal aantekene/op meganiese wyse sal opneem soos deur die Voorsitter gelas;
- (b) dat ek enige snelskrifaantekeninge/meganiese opname van die verrigtinge van genoemde Kommissie deur my of iemand anders gemaak, volledig en na my beste vermoë sal transkribeer.

(2) Geen snelskrifaantekeninge of meganiese opname van die verrigtinge van die Kommissie word getranskribeer nie behalwe op las van die Voorsitter.

4. Elke persoon wat diens doen by die verrigting van die Kommissie se werksaamhede, met inbegrip van iemand in regulasie 3 (1) bedoel, moet ten aansien van enige aangeleentheid of inligting wat by die vervulling van sy pligte in verband met bedoelde werksaamhede tot sy kennis kom, geheimhouding help bewaar, behalwe vir sover bekendmaking van sodanige aangeleentheid of inligting vir die doeleindes van die Kommissie se verslag nodig is, en elke sodanige persoon, behalwe die Voorsitter of 'n beampte, moet, voordat hy enige diens by die Kommissie verrig, 'n eed van getrouheid of geheimhouding voor die Voorsitter in die volgende vorm aflê en onderteken:

Ek, A.B., verklaar onder eed/bevestig en verklaar dat, behalwe vir sover dit by die uitvoering van my pligte in verband met die werksaamhede van die Kommissie van Onderzoek na Sekere Beweerde Moorde, of ingevolge 'n bevel van 'n bevoegde hof nodig is, ek geen aangeleentheid of inligting wat in verband met genoemde Kommissie se ondersoek tot my kennis kom, aan enigiemand sal meedeel nie en niemand sal toelaat of veroorloof om toegang tot stukke van die Kommissie te verkry nie, met inbegrip van enige aantekening, opname of transkripsie van die verrigtinge van genoemde Kommissie in my besit of bewaring of in die besit of bewaring van genoemde Kommissie of 'n beampte.

5. Niemand wat ingevolge regulasie 4 'n eed van getrouheid of geheimhouding moet aflê en onderteken, mag enige aangeleentheid of inligting wat in verband met die Kommissie se ondersoek tot sy kennis gekom het, aan iemand anders meedeel of iemand anders toelaat of veroorloof om toegang te verkry tot stukke van die Kommissie nie, behalwe vir sover dit by die uitvoering van sy pligte in verband met die werksaamhede van die Kommissie of ingevolge 'n bevel van 'n bevoegde hof nodig is.

6. Die Voorsitter of 'n beampte deur die Voorsitter in die algemeen of spesiaal daartoe gemagtig, moet 'n getuie wat voor die Kommissie verskyn 'n eed oplê of van hom 'n bevestiging afneem.

7. (1) Indien 'n persoon wat getuie is voor die Kommissie afgelê het of aflê of wat opgeroep is om aldus getuie af te lê, die Kommissie aldus versoek kan die Voorsitter gelas dat niemand die naam of adres van sodanige persoon of enige inligting wat waarskynlik sy identiteit sal openbaar, op enige wyse hoegenaamd bekend maak nie.

(2) Niemand mag 'n bepaling van 'n lasgewing bedoel in subregulasie (1) oortree nie.

proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form:

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

- (a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into Certain Alleged Murders in shorthand/by mechanical means as ordered by the Chairman of the Commission;
- (b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the said Commission made by me or by any other person.

(2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairman.

4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3 (1), shall aid in preserving secrecy in regard to any matter or information that may come to his knowledge in the performance of his duties in connection with the said functions, except in so far as the publication of such matter or information shall be necessary for the purposes of the report of the Commission, and every such person, except the Chairman or any officer, shall, before performing any duty with the Commission, take and subscribe before the Chairman 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 shall be necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into Certain Alleged Murders or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer.

5. No person who is in terms of regulation 4 required to take and subscribe an oath of fidelity or secrecy shall communicate to any other person any matter or information which may have come to his knowledge in connection with the inquiry of the Commission or suffer or permit any other person to have access to any records of the Commission, except in so far as it shall be necessary in the performance of his duties in connection with the functions of the Commission or by order of a competent court.

6. The Chairman or an officer generally or specially authorized thereto by the Chairman shall administer an oath or affirmation to any witness appearing before the Commission.

7. (1) If any person who gave or is giving evidence before the Commission or has been summoned so to give evidence so requests the Commission, the Chairman may direct that no person shall publish in any manner whatsoever the name or address of such person or any information likely to reveal his identity.

(2) No person shall contravene any provision of a direction referred to in subregulation (1).

8. 'n Getuie wat voor die Kommissie verskyn, kan slegs deur 'n persoon in kruisverhoor geneem word indien die Voorsitter sodanige kruisverhoor deur daardie persoon toelaat omdat die Voorsitter dit in die belang van die werksaamhede van die Kommissie nodig ag.

9. 'n Getuie wat voor die Kommissie verskyn, kan na goeë dunks van die Voorsitter en op die wyse wat hy bepaal, deur 'n advokaat of prokureur bygestaan word.

10. 'n Beampte, prokureur of advokaat deur die Voorsitter daartoe aangewys, kan by die aanhoor van getuienis by die ondersoek aanwesig wees en getuienis en argumente wat op die ondersoek betrekking het, aanvoer.

11. Wanneer daar tot die bevrediging van die Kommissie getuienis of inligting voorgelê word dat die Kommissie se ondersoek hangende, ingestelde of bestaande regsprosedes kan beïnvloed, word getuienis wat relevant is tot sodanige prosedure nie deur die Kommissie ontvang of aangehoor nie alvorens die bedoelde prosedure afgehandel is.

12. Die Voorsitter of 'n beampte kan vir doeleindes van die ondersoek te alle redelike tye enige perseel betree en besigtig en enige dokument wat op sodanige perseel is of bewaar word, opeis en in beslag neem.

13. (a) Niemand mag, sonder die skriftelike toestemming van die Voorsitter, 'n dokument wat in verband met die ondersoek deur enige persoon aan die Kommissie voorgelê is, versprei of die inhoud of 'n gedeelte van die inhoud van so 'n dokument publiseer nie.

(b) Niemand mag sonder die skriftelike toestemming van die Voorsitter enige dokumente, met inbegrip van enige verklaring, wat bestem is om aan die Voorsitter voorgelê te word, insien of onderwyl dit na die Voorsitter geneem of aan hom versend word, onderskep nie.

14. Niemand mag, behalwe vir sover dit by die uitvoering van die Kommissie se opdrag nodig is, die verslag van die Kommissie of 'n afskrif of 'n gedeelte daarvan of inligting met betrekking tot die oorweging van getuienis deur die Kommissie publiseer of aan iemand anders verstrek nie, tensy en voordat die Staatspresident die verslag vir publikasie beskikbaar gestel het of voordat die verslag in die Parlement ter Tafel gelê is.

15. Niemand mag die Voorsitter van die Kommissie beledig, neerhaal of verkleiner of die verrigtinge of die bevindings van die Kommissie benadeel, beïnvloed of vooruitloop nie.

16. Iemand wat—

- (a) die Voorsitter of 'n beampte by die uitoefening van 'n bevoegdheid in regulasie 11 bedoel, opsetlik hinder, teengaan of dwarsboom; of
- (b) die bepalings van regulasie 5, 7 (2), 12 of 13 oortree; of
- (c) die bepalings van regulasie 14 oortree, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar—
 - (i) in die geval van 'n misdryf in paragraaf (a) of (b) bedoel, met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
 - (ii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

8. Any witness appearing before the Commission may only be cross-examined by a person if the Chairman permits such cross-examination by such person because the Chairman deems it necessary in the interest of the functions of the Commission.

9. Any witness appearing before the Commission may, in the discretion of the Chairman and in such manner as may be determined by him, be assisted by an advocate or an attorney.

10. An officer, attorney or advocate designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and adduce evidence and arguments relating to the inquiry.

11. Whenever the Commission is satisfied upon evidence or information presented to it that the Commission's inquiry may influence pending, instituted or existing judicial procedures, evidence relevant to such procedures shall not be received or heard by the Commission until such time as such procedures have been completed.

12. The Chairman or any officer may, for the purposes of the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document on or kept on such premises.

13. (a) No person shall, without the written permission of the Chairman, 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.

(b) No person may without the written permission of the Chairman peruse any document, including any statement, which is destined to be submitted to the Chairman or intercept it whilst it is being taken or forwarded to the Chairman.

14. 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 to any other person the report of the Commission or a copy or part thereof or information regarding the consideration of evidence by the Commission unless and until the State President has released the report for publication or until the report has been laid upon the Table in Parliament.

15. No person may insult, disparage or belittle the Chairman of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission.

16. Any person who—

- (a) wilfully hinders, resists or obstructs the Chairman or any officer in the exercise of any power referred to in regulation 11; or
- (b) contravenes the provisions of regulation 5, 7 (2), 12 or 13; or
- (c) contravenes the provisions of regulation 14, shall be guilty of an offence and liable on conviction—
 - (i) in the case of an offence referred to in paragraph (a) or (b), to a fine not exceeding R200 or imprisonment for a period not exceeding six months; and
 - (ii) in the case of an offence referred to in paragraph (c), to a fine not exceeding R1 000 or imprisonment for a period not exceeding 12 months.

GOEWERMENTSKENNISGEWING**DEPARTEMENT VAN JUSTISIE**

No. R. 227

2 Februarie 1990

**AANSTELLING VAN KOMMISSIE VAN ONDER-
SOEK NA SEKERE BEWEERDE MOORDE**

Hierby word vir algemene inligting bekendgemaak dat dit die Staatspresident behaag het om Sy Edele regter L. T. C. Harms as Voorsitter en enigste lid van 'n Kommissie van Onderzoek na Sekere Beweerde Moorde aan te stel.

Die Kommissie se opdrag lui soos volg:

1. Om ondersoek in te stel na en verslag te doen oor die beweerde voorkoms van moorde en ander onregmatige dae van geweld wat in die Republiek van Suid-Afrika (ingeslote die selfregerende gebiede) gepleeg is ten einde 'n staatkundige of politieke oogmerk in die Republiek van Suid-Afrika te bereik, teweeg te bring of te bevorder, en ten opsigte waarvan die geregtelike proses voltooi is of wat nie opgelos is nie of ten opsigte waarvan die ondersoeke vanweë gebrek aan getuienis nie vorder nie.

2. Om, indien bevind word dat daar wel sodanige moorde en dae van geweld gepleeg is, verslag te doen oor—

(i) wie of welke liggame, instellings of organisasies sodanige moorde of dae van geweld as dader, medepligtige of begunstiger pleeg, laat pleeg of opdrag gee dat dit gepleeg word, of dit in die verlede gedoen het; en

(ii) wie sodanige persoon, liggame, instellings of organisasies finansier of gefinansier het.

3. Om ondersoek in te stel na en verslag te doen oor enige ander aangeleentheid wat volgens u oordeel met die voorgaande verband hou.

Enigeen wat getuienis by wyse van memorandum of mondelings aan die Kommissie wil voorlê, kan skryf aan Die Sekretaris, Kommissie van Onderzoek na Sekere Beweerde Moorde, Privaatsak X67, Pretoria, 0001.

OPDRAG

van die

Staatspresident van die Republiek van Suid-Afrika

Aan:

SY EDELE REGTER R. J. GOLDSTONE

Saluut!

Aangesien ek dit in openbare belang dienstig ag om 'n kommissie aan te stel om ondersoek in te stel na en verslag te doen oor die aangeleenthede hieronder vermeld en groot vertroue het in u kennis en bekwaamheid, magtig ek u en stel ek u aan as Voorsitter en enigste lid van 'n kommissie, met die volgende opdrag:

Om ondersoek in te stel na die dood van 'n sekere Clayton Sizwe Sithole wat na bewering op 30 Januarie 1990 te John Vorsterplein-polisiestasie, in die distrik Johannesburg, oorlede is, en om verslag te doen oor—

(a) die feitelike omstandighede met betrekking tot die sterfgeval;

GOVERNMENT NOTICE**DEPARTMENT OF JUSTICE**

No. R. 227

2 February 1990

**APPOINTMENT OF COMMISSION OF INQUIRY
INTO CERTAIN ALLEGED MURDERS**

It is hereby notified for general information that the State President has been pleased to appoint the Honourable Mr Justice L. T. C. Harms as Chairman and sole member of a Commission of Inquiry into Certain Alleged Murders.

The Commission's terms of reference are as follows:

1. To inquire into and to report on the alleged occurrence of murders and other unlawful acts of violence committed in the Republic of South Africa (including the self-governing territories) in order to achieve, bring about or further any constitutional or political aim in the Republic of South Africa and in respect of which the judicial process has been completed or which have not been solved or in respect of which the investigations are, owing to lack of evidence, not progressing.

2. If it be found that such murders and acts of violence were committed, to report on—

(i) who or what bodies, institutions or organisations commit or cause or instruct to be committed such murders or acts of violence as principal offender, accomplice or accessory after the fact, or have done so in the past; and

(ii) who finances or has financed any such person, body, institution or organisation.

3. To inquire into and to report on any other matter which, in your opinion, is relevant hereto.

Anyone wanting to submit evidence to the Commission by way of memorandum or orally can write to **The Secretary, Commission of Inquiry into Certain Alleged Murders, Private Bag X67, Pretoria, 0001.**

COMMISSION

by the

State President of the Republic of South Africa

To:

THE HONOURABLE MR JUSTICE R. J. GOLDSTONE

Greetings!

Whereas, in the public interest, I deem it expedient to appoint a commission to inquire into and report on the matters mentioned hereinafter and by reason of the great trust I repose in your knowledge and ability, I hereby authorise and appoint you to be the Chairman and sole member of a commission, with the following terms of reference:

To inquire into the death of a certain Clayton Sizwe Sithole who allegedly died on 30 January 1990 in John Vorster Square Police Station in the District of Johannesburg and to report on—

(a) the factual circumstances relating to the death;

- (b) die omstandighede wat moontlik aanleiding kon gee tot die sterfgeval;
- (c) die oorsaak of waarskynlike oorsaak van dood;
- (d) die vraag of die dood veroorsaak is deur 'n handeling of versuim wat 'n misdryf aan die kant van iemand insluit of uitmaak.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die 2de dag van Februarie Eenduisend Negehoonderd-en-negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,

Minister van die Kabinet.

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 17, 1990

KOMMISSIE VAN ONDERSOEK NA DIE DOOD VAN CLAYTON SIZWE SITHOLE

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet No. 8 van 1947), verklaar ek hierby dat die bepalings van daardie Wet van toepassing is op die Kommissie van Onderzoek na die Dood van Clayton Sizwe Sithole en vaardig ek hierby die Regulasies (Afrikaans en Engels) in die Bylae vervat met betrekking tot genoemde Kommissie uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die 2de dag van Februarie Eenduisend Negehoonderd-en-negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,

Minister van die Kabinet.

BYLAE

REGULASIES

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“beampte” iemand wat in die voltydse diens van die Staat is en wat aangestel of aangewys is om die Kommissie by die verrigting van sy werksaamhede behulpsaam te wees;

“dokument” ook 'n boek, pamflet, aantekening, lys, omsendbrief, plan, plakkaat, aanplakbiljet, publikasie, tekening, foto of prent;

“Kommissie” die in hierdie proklamasie bedoelde Kommissie van Onderzoek na die Dood van Clayton Sizwe Sithole;

“ondersoek” die ondersoek wat deur die Kommissie ingestel word;

“perseel” ook grond of 'n gebou, bouwerk, gedeelte van 'n gebou of bouwerk, voertuig, vervoermiddel, vaartuig of lugvaartuig;

“Voorsitter” die Voorsitter van die Kommissie.

- (b) the circumstances which might possibly have given rise to the death;
- (c) the cause or likely cause of death;
- (d) the question whether the death was caused by any act or omission involving or constituting an offence on the part of any person.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 2nd day of February, One thousand Nine hundred and Ninety.

F. W. DE KLERK,

State President,

By Order of the State President-in-Cabinet:

H. J. COETSEE,

Minister of the Cabinet.

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 17, 1990

COMMISSION OF INQUIRY INTO THE DEATH OF CLAYTON SIZWE SITHOLE

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare that the provisions of that Act shall be applicable to the Commission of Inquiry into the Death of Clayton Sizwe Sithole and I hereby make the Regulations (Afrikaans and English) contained in the Schedule with reference to the said Commission.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town, this 2nd day of February One thousand Nine hundred and Ninety.

F. W. DE KLERK,

State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,

Minister of the Cabinet.

SCHEDULE

REGULATIONS

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

“Chairman” means the Chairman of the Commission;

“Commission” means the Commission of Inquiry into the Death of Clayton Sizwe Sithole referred to in this proclamation;

“document” includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“inquiry” means the inquiry conducted by the Commission;

“officer” means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the execution of its functions;

“premises” includes any land, building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.

2. Die verrigtinge van die Kommissie word genotuleer op die wyse deur die Voorsitter bepaal.

3. (1) Iemand wat aangestel of aangewys is om die verrigtinge van die Kommissie in snelskrif aan te teken of op meganiese wyse op te neem of om sodanige verrigtinge wat aldus aangeteken of opgeneem is, te transkribeer, moet vooraf 'n eed of bevestiging in die volgende vorm aflê:

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

(a) dat ek getrou en na my beste vermoë die verrigtinge van die Kommissie van Onderzoek na die Dood van Clayton Sizwe Sithole in snelskrif sal aanteken/op meganiese wyse sal opneem soos deur die Voorsitter gelas;

(b) dat ek enige snelskrifaantekeninge/meganiese opname van die verrigtinge van genoemde Kommissie deur my of iemand anders gemaak, volledig en na my beste vermoë sal transkribeer.

(2) Geen snelskrifaantekeninge of meganiese opname van die verrigtinge van die Kommissie word getranskribeer nie behalwe op las van die Voorsitter.

4. Elke persoon wat diens doen by die verrigting van die Kommissie se werksaamhede, met inbegrip van iemand in regulasie 3 (1) bedoel, moet ten aansien van enige aangeleentheid of inligting wat by die vervulling van sy pligte in verband met bedoelde werksaamhede tot sy kennis kom, geheimhouding help bewaar, behalwe vir sover bekendmaking van sodanige aangeleentheid of inligting vir die doeleindes van die Kommissie se verslag nodig is, en elke sodanige persoon, behalwe die Voorsitter of 'n beampte, moet, voordat hy enige diens by die Kommissie verrig, 'n eed van getrouheid of geheimhouding voor die Voorsitter in die volgende vorm aflê en onderteken:

Ek, A.B., verklaar onder eed/bevestig en verklaar dat, behalwe vir sover dit by die uitvoering van my pligte in verband met die werksaamhede van die Kommissie van Onderzoek na die Dood van Clayton Sizwe Sithole, of ingevolge 'n bevel van 'n bevoegde hof nodig is, ek geen aangeleentheid of inligting wat in verband met genoemde Kommissie se ondersoek tot my kennis kom, aan enigiemand sal meedeel nie en niemand sal toelaat of veroorloof om toegang tot stukke van die Kommissie te verkry nie, met inbegrip van enige aantekening, opname of transkripsie van die verrigtinge van genoemde Kommissie in my besit of bewaring of in die besit of bewaring van genoemde Kommissie of 'n beampte.

5. Niemand wat ingevolge regulasie 4 'n eed van getrouheid of geheimhouding moet aflê en onderteken, mag enige aangeleentheid of inligting wat in verband met die Kommissie se ondersoek tot sy kennis gekom het, aan iemand anders meedeel of iemand anders toelaat of veroorloof om toegang te verkry tot stukke van die Kommissie nie, behalwe vir sover dit by die uitvoering van sy pligte in verband met die werksaamhede van die Kommissie of ingevolge 'n bevel van 'n bevoegde hof nodig is.

6. Die Voorsitter of 'n beampte deur die Voorsitter in die algemeen of spesiaal daartoe gemagtig, moet 'n getuie wat voor die Kommissie verskyn 'n eed oplê of van hom 'n bevestiging afneem.

2. The proceedings of the Commission shall be recorded in the manner determined by the Chairman.

3. (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form:

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

(a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into the Death of Clayton Sizwe Sithole in shorthand/by mechanical means as ordered by the Chairman of the Commission;

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

(2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairman.

4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3 (1), shall aid in preserving secrecy in regard to any matter or information that may come to his knowledge in the performance of his duties in connection with the said functions, except in so far as the publication of such matter or information shall be necessary for the purposes of the report of the Commission, and every such person, except the Chairman or any officer, shall, before performing any duty with the Commission, take and subscribe before the Chairman 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 shall be necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into the Death of Clayton Sizwe Sithole or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer.

5. No person who is in terms of regulation 4 required to take and subscribe an oath of fidelity or secrecy shall communicate to any other person any matter or information which may have come to his knowledge in connection with the inquiry of the Commission or suffer or permit any other person to have access to any records of the Commission, except in so far as it shall be necessary in the performance of his duties in connection with the functions of the Commission or by order of a competent court.

6. The Chairman or an officer generally or specially authorized thereto by the Chairman shall administer an oath or affirmation to any witness appearing before the Commission.

7. (1) Indien 'n persoon wat getuienis voor die Kommissie afgelê het of aflê of wat opgeroep is om aldus getuienis af te lê, die Kommissie aldus versoek, kan die Voorsitter gelas dat niemand die naam of adres van sodanige persoon of enige inligting wat waarskynlik sy identiteit sal openbaar, op enige wyse hoegenaamd bekend maak nie.

(2) Niemand mag 'n bepaling van 'n lasgewing bedoel in subregulasie (1) oortree nie.

8. 'n Getuie wat voor die Kommissie verskyn, kan slegs deur 'n persoon in kruisverhoor geneem word indien die Voorsitter sodanige kruisverhoor deur daardie persoon toelaat omdat die Voorsitter dit in die belang van die werksaamhede van die Kommissie nodig ag.

9. 'n Getuie wat voor die Kommissie verskyn, kan na goedgeskonde van die Voorsitter en op die wyse wat hy bepaal, deur 'n advokaat of prokureur bygestaan word.

10. 'n Beamppte, prokureur of advokaat deur die Voorsitter daartoe aangewys, kan by die aanhoor van getuienis by die ondersoek aanwesig wees en getuienis en argumente wat op die ondersoek betrekking het, aanvoer.

11. Die Voorsitter of 'n beamppte kan vir doeleindes van die ondersoek te alle redelike tye enige perseel betree en besigtig en enige dokument wat op sodanige perseel is of bewaar word, opeis en in beslag neem.

12. (a) Niemand mag, sonder die skriftelike toestemming van die Voorsitter, 'n dokument wat in verband met die ondersoek deur enige persoon aan die Kommissie voorgelê is, versprei of die inhoud of 'n gedeelte van die inhoud van so 'n dokument publiseer nie.

(b) Niemand mag sonder die skriftelike toestemming van die Voorsitter enige dokumente, met inbegrip van enige verklaring, wat bestem is om aan die Voorsitter voorgelê te word, insien of onderwyl dit na die Voorsitter geneem of aan hom versend word, onderskep nie.

13. Niemand mag, behalwe vir sover dit by die uitvoering van die Kommissie se opdrag nodig is, die verslag van die Kommissie of 'n afskrif of 'n gedeelte daarvan of inligting met betrekking tot die oorweging van getuienis deur die Kommissie publiseer of aan iemand anders verstrek nie, tensy en voordat die Staatspresident die verslag vir publikasie beskikbaar gestel het of voordat die verslag in die Parlement ter Tafel gelê is.

14. Niemand mag die Voorsitter van die Kommissie beledig, neerhaal of verkleiner of die verrigtinge of die bevindings van die Kommissie benadeel, beïnvloed of vooruitloop nie.

15. Iemand wat —

- (a) die Voorsitter of 'n beamppte by die uitoefening van 'n bevoegdheid in regulasie 11 bedoel, opsetlik hinder, teengaan of dwarsboom; of
- (b) die bepalings van regulasie 5, 7(2), 12 of 13 oortree; of
- (c) die bepalings van regulasie 14 oortree, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar —
 - (i) in die geval van 'n misdryf in paragraaf (a) of (b) bedoel, met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
 - (ii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

7. (1) If any person who gave or is giving evidence before the Commission or has been summoned so to give evidence so requests the Commission, the Chairman may direct that no person shall publish in any manner whatsoever the name or address of such person or any information likely to reveal his identity.

(2) No person shall contravene any provision of a direction referred to in subregulation (1).

8. Any witness appearing before the Commission may only be cross-examined by a person if the Chairman permits such cross-examination by such person because the Chairman deems it necessary in the interest of the functions of the Commission.

9. Any witness appearing before the Commission may, in the discretion of the Chairman and in such manner as may be determined by him, be assisted by an advocate or an attorney.

10. An officer, attorney or advocate designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and adduce evidence and arguments relating to the inquiry.

11. The Chairman or any officer may, for the purposes of the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document on or kept on such premises.

12. (a) No person shall, without the written permission of the Chairman, 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.

(b) No person may without the written permission of the Chairman peruse any document, including any statement, which is destined to be submitted to the Chairman or intercept it whilst it is being taken or forwarded to the Chairman.

13. 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 to any other person the report of the Commission or a copy or part thereof or information regarding the consideration of evidence by the Commission unless and until the State President has released the report for publication or until the report has been laid upon the Table in Parliament.

14. No person may insult, disparage or belittle the Chairman of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission.

15. Any person who —

- (a) wilfully hinders, resists or obstructs the Chairman or any officer in the exercise of any power referred to in regulation 11; or
- (b) contravenes the provisions of regulation 5, 7(2), 12 or 13; or
- (c) contravenes the provisions of regulation 14, shall be guilty of an offence and liable on conviction —
 - (i) in the case of an offence referred to in paragraph (a) or (b), to a fine not exceeding R200 or imprisonment for a period not exceeding six months; and
 - (ii) in the case of an offence referred to in paragraph (c), to a fine not exceeding R1 000 or imprisonment for a period not exceeding 12 months.

GOEWERMENTSKENNISGEWING**DEPARTEMENT VAN JUSTISIE**

No. R. 228

2 Februarie 1990

**AANSTELLING VAN KOMMISSIE VAN ONDER-
SOEK NA DIE DOOD VAN CLAYTON SIZWE
SITHOLE**

Hierby word vir algemene inligting bekendgemaak dat dit die Staatspresident behaag het om Sy Edele Regter R. J. Goldstone as Voorsitter en enigste lid van 'n Kommissie van Onderzoek na die dood van Clayton Sizwe Sithole aan te stel.

Die Kommissie se opdrag lui soos volg:

Om ondersoek in te stel na die dood van 'n sekere Clayton Sizwe Sithole wat na bewering op 30 Januarie 1990 te John Vorsterplein-polisiestatie, in die distrik Johannesburg, oorlede is, en om verslag te doen oor—

- die feitelike omstandighede met betrekking tot die sterfgeval;
- die omstandighede wat moontlik aanleiding kon gee tot die sterfgeval;
- die oorsaak of waarskynlike oorsaak van dood;
- die vraag of die dood veroorsaak is deur 'n handeling of versuim wat 'n misdryf aan die kant van iemand insluit of uitmaak.

GOVERNMENT NOTICE**DEPARTMENT OF JUSTICE**

No. R. 228

2 February 1990

**APPOINTMENT OF COMMISSION OF INQUIRY
INTO THE DEATH OF CLAYTON SIZWE
SITHOLE**

It is hereby notified for general information that the State President has been pleased to appoint the Honourable Mr Justice R. J. Goldstone as Chairman and sole member of a Commission of Inquiry into the death of Clayton Sizwe Sithole.

The Commission's terms of reference are as follows:

To inquire into the death of a certain Clayton Sizwe Sithole who allegedly died on 30 January 1990 in John Vorster Square Police Station in the District of Johannesburg and to report on—

- the factual circumstances relating to the death;
- the circumstances which might possibly have given rise to the death;
- the cause or likely cause of death;
- the question whether the death was caused by any act or omission involving or constituting an offence on the part of any person.

**THE ONDERSTEPSPOORT
JOURNAL OF VETERINARY
RESEARCH**

Die "Onderstepoort Journal of Veterinary Research" word deur die Staatsdrukker, Pretoria, gedruk en is verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria, 0001, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Hierdie publikasie is 'n voortsetting van die "Reports of the Government Veterinary Bacteriologist of the Transvaal" wat terugdateer tot 1903 en waarvan 18 verskyn het tot 1932. Dit is gevolg deur 52 volumes van die "Onderstepoort Journal". Tans bestaan elke volume uit vier nommers wat teen R5 per kopie of R20 per jaar plus AVB binnelands en R6,25 per kopie of R25 per jaar buitelands van bogenoemde adres posvry verkrygbaar is (lugposbestellings: R10 per kopie of R40 per jaar).

Direkteure van laboratoriums ens. wat begerig is om publikasies om te ruil moet in verbinding tree met die Direkteur, Navorsingsinstituut vir Veeartsenykunde, Pk. Onderstepoort, 0110, Republiek van Suid-Afrika.

**THE ONDERSTEPSPOORT
JOURNAL OF VETERINARY
RESEARCH**

The Onderstepoort Journal of Veterinary Research is printed by the Government Printer, Pretoria, and is obtainable from the Director, Division of Agricultural information, Private Bag X144, Pretoria, 0001, to whom all communications should be addressed.

This publication is a continuation of the Reports of the Government Veterinary Bacteriologist of the Transvaal which date back to 1903 and of which 18 have appeared up to 1932. These were followed by 52 volumes of the Onderstepoort Journal. At present each volume comprises four numbers which are obtainable from the above address at R5 per copy or R20 per annum plus GST local or other countries R6,25 per copy or R25 per annum (air mail: R10 per copy or R40 per annum).

Directors of laboratories etc. desiring to exchange publications are invited to communicate with the Director, Veterinary Research Institute, P.O. Onderstepoort, 0110, Republic of South Africa.

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1989 tot 30 September 1990 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*



IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1989 to 30 September 1990, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

BELANGRIKE AANKONDIGING

Sluitingstye **VOOR VAKANSIEDAE** vir

WETLIKE KENNISGEWINGS
GOEWERMENSKENNISGEWINGS **1990**

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **29 Maart**, Donderdag, vir die uitgawe van Donderdag **5 April**
- ▶ **4 April**, Woensdag, vir die uitgawe van Donderdag **12 April**
- ▶ **11 April**, Woensdag, vir die uitgawe van Vrydag **20 April**
- ▶ **26 April**, Donderdag, vir die uitgawe van Vrydag **4 Mei**
- ▶ **17 Mei**, Donderdag, vir die uitgawe van Vrydag **25 Mei**
- ▶ **23 Mei**, Woensdag, vir die uitgawe van Vrydag **1 Junie**
- ▶ **4 Oktober**, Donderdag, vir die uitgawe van Vrydag **12 Oktober**
- ▶ **18 Desember**, Dinsdag, vir die uitgawe van Vrydag **28 Desember**
- ▶ **21 Desember**, Vrydag, vir die uitgawe van Vrydag **4 Januarie**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for

LEGAL NOTICES
GOVERNMENT NOTICES **1990**

The closing time is 15:00 sharp on the following days:

- ▶ **29 March**, Thursday, for the issue of Thursday **5 April**
- ▶ **4 April**, Wednesday, for the issue of Thursday **12 April**
- ▶ **11 April**, Wednesday, for the issue of Friday **20 April**
- ▶ **26 April**, Thursday, for the issue of Friday **4 May**
- ▶ **17 May**, Thursday, for the issue of Friday **25 May**
- ▶ **23 May**, Wednesday, for the issue of Friday **1 June**
- ▶ **4 October**, Thursday, for the issue of Friday **12 October**
- ▶ **18 December**, Tuesday, for the issue of Friday **28 December**
- ▶ **21 December**, Friday, for the issue of Friday **4 January**

Late notices will be published in the subsequent issue. If, under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

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