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PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 86, 1990

KOMMISSIE VAN ONDERSOEK NA DIE VOOR-
VALLE BY SEBOKENG, BOIPATONG, LEKOA,
SHARPEVILLE EN EVATON OP 26 MAART 1990

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 Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990 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 Vierde dag van Mei 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 Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990;

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 86, 1990

COMMISSION OF INQUIRY INTO THE INCIDENTS AT SEBOKENG, BOIPATONG, LEKOA, SHARPEVILLE AND EVATON ON 26 MARCH 1990

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 Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990, 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 Fourth day of May 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 Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990;

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

“inquiry” means the inquiry conducted by the Commission;

"lid" 'n lid van die Kommissie;

"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 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 Ondersoek na die Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990, 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, 'n lid 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 Ondersoek na die Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990, 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 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.

"member" means a member of 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 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 Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990 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, a member 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 Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990 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. 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.

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 goeddunke 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 getuie by die ondersoek aanwesig wees en getuie en argumente wat op die ondersoek betrekking het, aanvoer.

11. 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.

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 getuie 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 verkleineer of die verrigtinge of die bevindings van die Kommissie benadeel, beïnvloed of vooruitloop nie.

15. 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.

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. 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 advocacy 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 regulations 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.

GOEWERMENSKENNISGEWING**DEPARTEMENT VAN JUSTISIE****No. R. 1042****7 Mei 1990**

**AANSTELLING VAN KOMMISSIE VAN ONDER-
SOEK NA DIE VOORVALLE BY SEBOKENG,
BOIPATONG, LEKOA, SHARPEVILLE EN
EVATON OP 26 MAART 1990**

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 Ondersoek na die Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990 aan te stel.

Die Kommissie se opdrag lui soos volg:

Om al die feitlike omstandighede met betrekking tot die voorvalle wat op 26 Maart 1990 by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton plaasgevind het waartydens mense gedood of beseer is, te ondersoek en dringend daarvoor verslag te doen.

Enigeen wat getuienis by wyse van memorandum of mondelings aan die Kommissie wil voorlê, kan skryf aan Die Sekretaris, Kommissie van Ondersoek na die Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990, Privaatsak X81, Pretoria, 0001.

GOVERNMENT NOTICE**DEPARTMENT OF JUSTICE****No. R. 1042****7 May 1990**

**APPOINTMENT OF COMMISSION OF INQUIRY
INTO THE INCIDENTS AT SEBOKENG, BOIPA-
TONG, LEKOA, SHARPEVILLE AND EVATON
ON 26 MARCH 1990**

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 Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990.

The Commission's terms of reference are as follows:

To investigate all the factual circumstances with regard to the incidents that took place at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990 during which people were killed or injured and to report thereon urgently.

Anyone wanting to submit evidence to the Commission by way of memorandum or orally can write to The Secretary, Commission of Inquiry into the Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990, Private Bag X81, Pretoria, 0001.

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