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

Date: 15 June 2020

Our reference: Ms Farrhah Khan

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CSWG Secretariat

The Civil Society Working Group on State Capture

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State Capture Commission hearings during COVID19

1. I refer to your letter dated 27 May 2020 addressed to the Deputy Chief Justice and Chairperson of the Commission.
2. I have been directed by the Chairperson of the Commission to thank you for your letter and for all the support that all of the organisations affiliated to the Civil Society Working Group on State Capture give the Commission. In this regard the

Chairperson wishes all of these organisations to know that he regards them as friends and supporters of the Commission and he appreciates them very much.

3. In response to your letter, the Chairperson has directed me to advise you as follows:

3.1.the Chairperson is aware of the detailed submissions that you have made to the Commission for which he is grateful. Your submissions will be taken into account in due course before the Commission decides on the recommendations that it will make to the President. In this regard there is an issue relating to how tenders are adjudicated that the Chairperson may come back to you about in due course;

3.2.the implementation of the national lockdown disrupted the work of the Commission with regard to public hearings as well as investigative work of the Investigation Team that required investigators to leave their homes or to travel across districts, metropolitan and provincial borders. Except in very limited circumstances, travelling was not allowed during Alert Level 5 and Alert Level 4 of the national lockdown. However, it is important to point out that, notwithstanding the adverse impact of the national lockdown on the work of the Commission with regard to its public hearings and investigative work that required travelling, there is a lot of work that the Commission was able to do remotely during Alert Level 5 and Alert Level 4. This refers to work that the Chairperson was able to do from home as well as work that the Commission's Legal Team and the Commission's Investigation Team were able to do from home;

3.3.as you may have heard when the Chairperson announced during the virtual media briefing he hosted on Wednesday, 3 June 2020, the Commission will

resume its hearings in the last week of June, namely the week starting on 29 June 2020;

3.4. for the rest of the lifespan of the Commission, the Commission intends to limit oral evidence of a witness to those aspects of his or her evidence that will be considered very important; what this means is that a lot of the non-controversial evidence of a witness contained in the witness' affidavit or statement will not be repeated by the witness at the hearing but the witness will be directed to give his or her evidence in regard to important issues or issues that are likely to be challenged by implicated persons. However, the entire statement or affidavit of each witness will still be made available to the public as the Commission has been doing in the past so that the public can still know the full extent of the witness' evidence. The Commission is confident that this approach will enable it to hear two or three witnesses in a day where in the past it would have taken a witness the whole day or most of the day to give evidence;

3.5. with regard to your call for interim reports, while the Chairperson is not opposed to the release of interim reports, the difficulty has been that there are many persons who are implicated in different state-owned entities (SOE's) with the result that, if the Chairperson were to prepare an interim report with regard to a particular SOE, he may make findings under that SOE against persons who must still give evidence before him in regard to other SOE's in which they are also implicated. Making such findings before he has heard such persons under other SOE's would disqualify the Chairperson from hearing their evidence with regard to the other SOE's;

- 3.6. it is not going to be necessary at this stage for the Commission to use virtual platforms for hearings because under Alert Level 3, the normal hearings of the Commission are allowed; and
- 3.7. during Alert Level 5 and Alert Level 4, the Commission could not publish much on its website because all the work that was being done was being done remotely but the Commission will try and keep the public informed regularly through its website and media briefings on that part of its work that may be publicised from time to time; it is important to point out that there are some parts of the work of the Commission that should not be publicised until it reaches the stage of public hearings.
4. The Commission also wishes to assure you that everybody in the Commission is working hard towards achieving the completion of the work of the Commission within the time that it has been given.
5. Once again, the Commission wishes to record its appreciation for your support.

Yours sincerely



MS K B SHABALALA
Acting Secretary
Judicial Commission of Inquiry into Allegations
of State Capture, Corruption and Fraud in the Public Sector including Organs of
State