

## PRACTICE GUIDELINES

Following a thorough discussion between the Commissioners and the evidence leaders the Chairperson issues these Guidelines.

### Sessions

On the first day the 19<sup>th</sup> August 2013 the proceedings shall start at 10h00 and proceed as follows:

TIME	DESCRIPTION
10h00 – 10h15	Chairperson's remarks
10h15 - 12h30	Opening statements by the evidence leaders: Advocate Tayob Aboobaker SC Ms Matshego Ramagaga, Senior Attorney
12h30 – 14h00	Lunch break
14h00 – 16h00	Pre-trial conference involving the evidence leaders and the legal teams representing the witnesses and interested parties.
Proceedings to resume the following day, Tuesday, 20 <sup>th</sup> August 2013	

Sitting times for all the sessions shall be as follows:

Starting time: 09h30

Tea break: 11h00 – 11h30

Lunch break: 13h00 – 14h00

Close of business: 16h00



## **Procedure**

1. During the opening address on the 19<sup>th</sup> August 2013 one of the evidence leaders will announce the names of the witnesses who will be testifying in the first week together with a brief statement of the issues each witness will be dealing with. Thereafter on every Friday afternoon, before close of business, the names of the witnesses to be called during the following week will be announced with the statement of the issues that each will be addressing. This is to enable interested parties to decide when to attend the proceedings.
2. The proceedings will be mechanically recorded by the Commission's personnel only and no other mechanical or electronic recording will be allowed, save for those media houses that shall have been accredited to carry live broadcasts. The record of the proceedings will be transcribed overnight and will then be put onto the Commission's website from where everybody can have access to them.
3. Copies of documents or bundles of documents to be used in evidence by a witness about to testify, will be furnished ahead of the evidence, to the following categories of people or entities:
  - 3.1. Those who have made submissions to the Commission and written statements to the evidence leaders and are earmarked to testify before the Commission. Only such documents as are relevant to the issues raised in their statements will be made available.
  - 3.2. Those who have not made written submissions to the Commission but have had consultations with the Commission's evidence leaders and their statements obtained and are earmarked to give evidence before the Commission.
  - 3.3. People and/or entities who are directly implicated in the evidence to be tendered by a witness who is on the witness list.
4. People and/or entities not falling within any of the above categories who can demonstrate that they have a meaningful, positive contribution to make towards the work of the Commission and need the documents for that purpose, may apply in writing to the chairperson for copies of such documents.



5. Any party wishing to cross-examine a witness must, at the conclusion of the witness' evidence-in-chief, direct a request to do so to the Chairperson. This may be done orally from the Bar or, in appropriate circumstances, it may take the form of a written application wherein the reasons for the request are briefly stated. The Chairperson may, before deciding the request or application, hear oral submissions from the applicant or his/her/its legal representative and the evidence leaders.
6. Paragraph 3 above does not apply to classified documents, which will be dealt with differently.
7. Evidence taken in camera shall not form part of the record to be put on the website.
8. During in camera hearings only people who demonstrate that it is necessary or desirable for him/her to be present at the said hearings will be allowed to attend in camera hearings.
9. All the witnesses who testify before the Commission are the evidence leaders witnesses and therefore the evidence leaders will be entitled to object if any witness is asked, during cross-examination unfair or irrelevant questions.

**NB:** Please take note that these guidelines are not hard and fast rules of law and may be adjusted, amended or altered as the circumstances may require. They must be read in conjunction with the Regulations and the Directives issued by the Chairperson on 9<sup>th</sup> May 2012.



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**Chairperson**

16/08/2013