

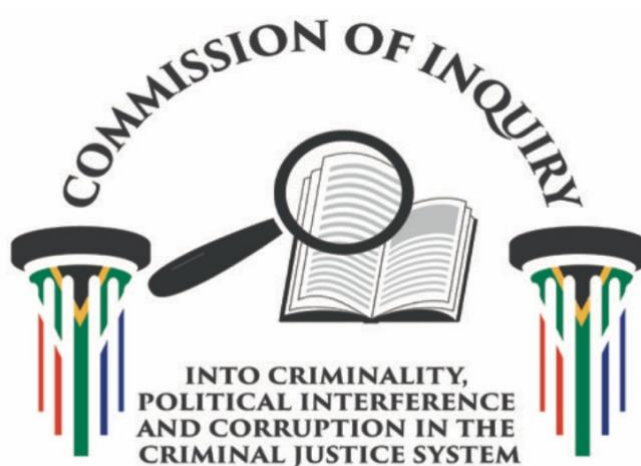
JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

16 OCTOBER 2025

DAY 13



INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson and Mr Du Plessis.

ADV CHASKALSON SC: Chair, I would like to report that News24 and Daily Maverick have accepted that there is a need for today's hearings to be in-camera and are no longer opposing the in-camera ruling that we seek. Just to motivate that further, as I have explained, or as the Evidence Leaders explained in the application and in the submissions made earlier this week, the witness testifying today is going to
10 testify about matters that are the subject of active ongoing police investigations. So it is the subject matter of the evidence, not the identity of the witness that requires the evidence to be in camera.

And when the Police are at an advanced stage of investigations, one cannot ventilate the content of those investigations publicly without running a risk of compromising those investigations and that is the unfortunate situation that we find ourselves in at the moment, because this Commission is of necessity investigating matters that are the subject of
20 parallel police investigations that are at an advanced stage.

As I said earlier in the week, we hope very much that long before this Commission concludes its business, the investigations will reach, will have reached a stage where they will no longer be at risk if this information becomes public and as soon as that point is reached, the testimony

from today will be made public. But for thematic reasons and to enable the Commission to understand the narrative that the Evidence Leaders want to put before the Commission in a coherent fashion, it makes sense to take that evidence now and not to wait until much later when it can possibly be led publicly. But as soon as the need for secrecy has passed, the evidence will be made public.

So we would ask for today's evidence to be in camera. There is one further issue I just want to place on
10 record, which is that independent newspapers had earlier expressed opposition to the in-camera ruling and had sought an opportunity to intervene in relation to proceedings next week. But having understood the ruling of the Commission earlier in the week, and having discussed it with the Evidence Leaders, they are now satisfied with that ruling and are no longer opposing.

And I said one thing, there are actually two things, because what I would want to emphasize is that paragraph 5 of that ruling says that apart from the witnesses to which this
20 ruling refers, the evidence leaders will not seek to lead any other witnesses in camera without making a new application to the Commission and making the fact of that application publicly known at least 72 hours before the witness is called to testify, and I just want to confirm that that is an undertaking that holds good for everyone. It is not, as it

were, a private undertaking that we have made to News24 and Daily Maverick. That is a commitment that the Evidence Leaders make generally. There will not be any in-camera witnesses called without at least 72 hours' notice to the public, so that if anyone wants to object, they can do so.

CHAIRPERSON: Thank you, Mr Chaskalson. Mr Du Plessis, do you confirm that News24 and Daily Maverick are now no longer opposing the application?

MR DU PLESSIS: Good morning, Commissioners. Thank
10 you. Yes, I confirm that the media respondents will no longer oppose the in-camera hearing. of the witness who is described in paragraph 4 of the Order of 14 October. We think that that is on the basis described by Mr Chaskalson, of course, and we think that is the best resolution under the circumstances.

And we are comforted, Chair, by paragraph 19 of the application, which says that the panel will continue to, the Commission will continue to have oversight over whatever happens in camera and then going forward, there will, of
20 course, be the procedure described by Mr Chaskalson, and on that basis, we are happy.

CHAIRPERSON: Thank you, Mr Du Plessis. Just one question, Mr Chaskalson. Assuming that at the time, or by the time that the Commission concludes the investigation, the entire investigation, the ongoing investigations that you are

referring to have not been finalized, what will become of the evidence that was led in camera? I am asking this because having read the statement, one sees that people are implicated and in fact, we are hearing for the first time about some of them.

Now, that being the case, what will become of that evidence, will it be of any evidentiary value, because I assume that for the same reasons that you have given, you may not be, or the Commission may not be in a position to
10 share the evidence, the transcript, the statements, and so on, for the same reasons you have given. What will become of the evidence then?

ADV CHASKALSON SC: Chair, we accept that the Commission cannot make findings against any person on the basis of secret information. So we accept that if there is, if by the time the Commission ends, there are certain allegations that the Commission has had sight of in this in-camera evidence that have to remain public and that cannot be put to the implicated parties for their response, we will not
20 be asking you to make a finding on the basis of those allegations.

But we are very confident that that situation will not arise. We are hoping and confident that the information that the Commission will hear today and tomorrow is information that the public and the implicated persons will hear before

this Commission concludes its business. It just cannot be made public today and tomorrow.

CHAIRPERSON: Thank you, Mr Chaskalson. Thank you.

ORDER

Having heard what the Chief Evidence Leader has said, the Commission decides to sit in the camera to hear the evidence of the next witness and it does so for the reasons that have been given by the Chief Evidence Leader. The Commission notes the fact that the media respondents,
10 News24 and Daily Maverick, no longer oppose the application.

I must stress, though, that the decision of the Commission is not necessarily influenced by the fact that there has now been agreement between the parties on this application. The decision is reached on the Commission's own assessment of what has been put before it in the application itself and also what has been submitted before the Commission this morning. So for those reasons, the hearing today and tomorrow will be in camera.

20 Do you not have a draft ruling or is what I have just said sufficient for purposes of today, Mr Chaskalson, Mr Du Plessis?

ADV CHASKALSON SC: I must apologise, Chair. That was my oversight. But certainly from our side, that ruling that you have just handed down, Chair, is sufficient for our purposes.

CHAIRPERSON: Mr Du Plessis?

MR DU PLESSIS: Chair, ja, on the understanding that the Order of the 14th of October is not replaced in its entirety, that it continues to persist and that the outstanding issue, which was the issue in paragraph 4 around this particular witness, is now resolved on the basis described, I also do not believe that there is a need for an order.

CHAIRPERSON: Thank you. I will just say for completeness that the ruling does not extend beyond that to which it
10 relates. May I also just say that the spokesperson of the Commission will give further detail as to what is to happen, for example, next week. Let us adjourn then and resume in camera.

INQUIRY ADJOURNS FOR PROCEEDINGS IN CAMERA

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