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

ORDER by ZONDO DCJ, the Chairperson of the Commission

IT IS HEREBY ORDERED THAT:

1. To ensure that when Lt-Colonel Dhanajaya Gangulu Naidoo (Colonel Naidoo), who is a protected person as defined in the Witness Protection Act 112 of 1998 (the Act), gives evidence to the Commission, the location to which he has been relocated in terms of the Act and the new identity which he has been given or which he has assumed for his protection pursuant to the Act are not disclosed:
 - 1.1. he will not be present in the hearing room at any time;
 - 1.2. a separate location (the protected witness location) will be provided;
 - 1.3. he will give his evidence from the protected witness location;
 - 1.4. no camera will be permitted in the protected witness location;
 - 1.5. an audio link from the protected witness location will be provided so that his evidence can be heard in the hearing room when he gives it;
 - 1.6. no persons other than the Chairperson (if and when he considers it appropriate), the relevant evidence leader(s) and those necessary to assist or protect Colonel Naidoo when he gives evidence will be permitted to enter the protected witness location;
 - 1.7. the Commission's safety and security advisor, who is the head of security for the Commission, or, in his absence, another person specifically designated by the Chairperson, will have the responsibility of controlling access to the protected witness location in terms of this order and of

ensuring that only Colonel Naidoo and other persons permitted in terms of paragraph 1.6 above enter it;

- 1.8. subject to the usual rules applicable to the conduct of the Commission's proceedings:
 - (a) members of the public, including the media, may be present in the hearing room;
 - (b) sound reaching the hearing room via the audio link from the protected witness location may be broadcast, and the proceedings in the hearing room may be filmed and broadcast;
- 1.9. no video or other image of Colonel Naidoo whatsoever may be taken or be broadcast;
- 1.10. no person may photograph or publish any photograph or other image of any person engaged in or responsible for the protection of Colonel Naidoo when he gives evidence;
- 1.11. no document or other evidence revealing the location to which Colonel Naidoo has been relocated in terms of the Act or his new identity shall be tendered or otherwise placed on record.
2. This order may be amended or supplemented by the Chairperson at any time if, in his opinion, that is necessary to ensure the protection of Colonel Naidoo or any other person in connection with Colonel Naidoo's evidence, or to ensure fairness to any implicated person.
3. Nothing in this order precludes the granting by the Chairperson of an order, *mero motu* or on application by a person who is or may be implicated by the evidence of Colonel Naidoo, allowing that person to have sight of Colonel Naidoo or being shown a photograph of him which has been approved by the Chairperson for the purpose.
4. This order does not derogate from the order made on 17 September 2019 as required by section 18 of the Act, prohibiting publication of any information, including any drawing, picture, illustration, painting, photograph, whether produced through or by means of computer software on a screen or a computer

print-out as contemplated in the Films and Publications Act, 1996 (Act 65 of 1996), or not, pamphlet, poster or other printed matter, which may disclose—

- 4.1. the place of safety or location where Colonel Naidoo is or has been under protection or where he has been relocated in terms of the Act;
- 4.2. the circumstances relating to his protection;
- 4.3. the identity of any other protected person and the place of safety or location where such person is being protected; or
- 4.4. Colonel Naidoo's relocation or change of identity.

DATED AT PARKTOWN ON THIS 26th DAY OF SEPTEMBER 2019.

**Zondo DCJ
Chairperson of the Commission**