

PRESS RELEASE BY MR JUSTICE R J GOLDSTONE, CHAIRMAN OF THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION

1. The Commission recognises the fundamental right of free assembly and peaceful protest in a free and democratic society.
2. It also recognises that the police have a duty to protect citizens who exercise those rights and members of the public who may be effected by the exercise of such rights and that the organisers of mass demonstrations have a duty to ensure that the rights in general of members of the public are not unreasonably prejudiced.
3. Unpredictable or undisciplined conduct by mass demonstrators or by members of the police force create a very real potential for violence.
4. The Commission is of the view that in order to reduce the potential for violence it should inquire into the procedures relating to the organisation of mass demonstrations, the conduct thereof and the role and duties of the police or other security forces. It is also necessary to consider the terms and adequacy of present legislation with regard to these matters.
5. In order to conduct such an inquiry, a third Committee of Inquiry has, with the concurrence of the Minister of Justice, been established under my chairmanship. The other two members of the Committee are Advocate N Rossouw SC, the Vice-Chairman of the Commission, and Professor D Van Zyl Smit, the Dean of the Law Faculty of the University of Cape Town.

6. The terms of reference of the Committee are to inquire into-
- (a) the procedure which should be followed in order to arrange or organise mass demonstrations;
 - (b) the procedure which should be followed by the organisers before, during and after mass demonstrations;
 - (c) the norms of behaviour of the persons who participate in mass demonstrations; (*toyi toyi + trad*)
 - (d) the role and duty of the police and, if relevant, of other security forces, in relation to mass demonstrations; and
 - (e) the adequacy of present legislation relating to mass demonstrations.

7. Interested parties are invited to make written representations to the Secretary of the Commission, Private Bag X858, Pretoria, 0001, by not later than 10 January 1992.

8. After written representations have been received the Committee will hold public hearings into such aspects of its terms of reference as it may consider to be necessary and desirable.

PRETORIA

6 DECEMBER 1991

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PERSVERKLARING UITGEREIK DEUR SY EDELE REGTER R J GOLDSTONE,
VOORSITTER VAN DIE KOMMISSIE VAN ONDERSOEK INSAKE DIE VOORKOMING
VAN OPENBARE GEWELD EN INTIMIDASIE

1. Die Kommissie erken die fundamentele reg van vrye assosiasie en vreedsame protes in 'n vrye en demokratiese gemeenskap.
2. Die Kommissie aanvaar voorts dat daar 'n plig op die polisie rus om burgers wat daardie regte wil uitoefen asook lede van die publiek wat deur die uitoefening van daardie regte geaffekteer word, te beskerm en dat daar op organiseerders van groepsbetogings 'n plig rus om te verseker dat lede van die publiek se regte in die algemeen nie onredelik benadeel word nie.
3. Onvoorspelbare en ongedissiplineerde optrede deur deelnemers aan groepsbetogings of deur lede van die Polisie skep 'n reële potensiaal vir geweld.
4. Die Kommissie is van oordeel dat, ten einde die potensiaal vir geweld te verminder, ondersoek ingestel behoort te word na die prosedure met betrekking tot die organisering van groepsbetogings, die afloop daarvan en ook die rol en plig van die polisie en ander veiligheidsmagte. Dit is ook noodsaaklik om die bepalinge en toereikendheid van bestaande wetgewing in hierdie verband te oorweeg.
5. Ten einde 'n ondersoek te hou, is 'n derde Komitee van Onderzoek met die goedkeuring van die Minister van Justisie, onder my

voorsitterskap, ingestel. Die ander lede van die Komitee is advokaat N Rossouw S.C., die onder-voorsitter van die Kommissie en professor D van Zyl Smit, die Dekaan van die Regsfakulteit van die Universiteit van Kaapstad.

6. Die opdrag van die Komitee is om ondersoek in te stel na -

- (a) die prosedure wat gevolg behoort te word om groepsbetogings te reël en te organiseer;
- (b) die prosedure wat deur die organiseerders voor, gedurende en na afloop van groepsbetogings gevolg behoort te word;
- (c) die standaard van gedrag van persone wat aan groepsbetogings deelneem;
- (d) die rol en plig van die polisie en, indien van toepassing op dié van ander veiligheidsmagte met betrekking tot groepsbetogings; en
- (e) die toereikendheid van bestaande wetgewing in verband met groepsbetogings.

7. Belanghebbende partye word versoek om skriftelike verstoë aan die Sekretaris van die Kommissie, Privaatsak X858, Pretoria 0001 te rig wat die Kommissie nie later nie as 10 Januarie 1992 moet bereik.

8. Nadat skriftelike verstoë ontvang is, sal die Komitee openbare

sittings hou ten aansien van daardie aspekte van sy opdrag wat hy as noodsaaklik en wenslik beskou.

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