

V. INQUESTS

1. The NEC shall when necessary appoint and convene an Inquest Commission whose duty it is to hold inquests into death where there is reasonable cause to believe that the deceased died either a violent or unnatural death, or has died a sudden death the cause of which is unknown or has died in prison.
2. The Inquest Commission shall consist of Commissioner who shall at the recommendation of interested persons or at his discretion appoint as his assessor any person with special knowledge, skill and experience that may assist the Commission in arriving at a fair and just decision.
3. The Inquest Commissioner shall be chosen according to the following personal qualities:
  - i) Dedication to the principles and policies of the organisation;
  - ii) Integrity and correct personal behaviour;
  - iii) Maturity and capacity to handle difficult matters with dignity and serenity.
4. The Commission shall collaborate as closely as possible with all the relevant structures of the organisation in order to achieve the best results and strengthen the unity of the organisation.
5. Procedure
  - (a) The Commissioner is in complete charge of proceedings, may call any witness and ask any question he thinks fit, and is bound by no rules of evidence, but his findings must be based upon evidence.
  - (b) The Commission will receive written or oral evidence or evidence on affidavit.
  - (c) A body of responsible people shall be instructed by the NEC to investigate and report to the Commission.
  - (d) After the disposal of the proceedings, the Inquest Commissioner shall submit to the Secretary General, a detailed record of the inquest evidence and findings.

Copies of such record shall also be sent to the Officer for Justice and body of responsible investigators.

#### IV Jurisdiction and Review

##### Section A: Jurisdiction (Grave and Serious Crimes)

###### 1. National People's Tribunal

The National People's Tribunal shall be competent to try any Grave Crime wherever it might have been committed.

###### 2. Regional Disciplinary Committee

The Regional Disciplinary Committee shall be competent to try any Serious Offence committed in the area falling under the Regional Political Committee of its area.

##### Section B: National Review Committee

1. There shall be a National Review Committee (NRC) established by the National Executive Committee (NEC) and consisting of five (5) members.
2. The membership of the NRC shall not overlap with that of the Tribunal.
3. All findings made and penalties imposed by the Tribunal shall be communicated to the NRC, which shall be furnished with the full record of the proceedings in the case to be reviewed.
4.
  - a) The NRC shall confirm, overrule (or set aside), in whole or in part, any such finding or penalty, or refer the matter back for further hearing;
  - b) Whenever it feels a penalty is too severe, it may reduce such penalty;
  - c) In very exceptional cases, where it feels that the penalty is manifestly too lenient, the NRC may substitute a more severe sentence, save that it may not impose the maximum penalty where such was not imposed by the Tribunal;
  - d) The NRC shall be guided, not only by legal rules, but also by political and humanitarian considerations.

**Section C: Regional Review Committee**

1. There shall be a Regional Review Committee (RRC) consisting of the Chief Representative and two persons chosen by the RPC from its members, but not including any current member of the RDC.
2. All findings of and any penalty imposed by the RDC shall be forwarded to the RRC, which shall have access to the full record and shall have the power to confirm or overrule, in whole or in part, any such finding or penalty, or to refer the matter back for further hearing.
3. The decision of the RRC shall be final, save that any order of suspension exceeding six (6) months and any order of deprivation of liberty exceeding three (3) months shall be subject to automatic review by the National People's Tribunal, which shall take into account any representation submitted by the accused.

**Section D: Review in respect of Violations**

Findings or penalties in respect of Violations shall be reported to the RPC in the case of unit hearings, and to the responsible senior structures in all other cases, for confirmation, attention or referral for re-hearing.

**Section E: General**

1. If any of the disciplinary bodies at the three levels referred forms the opinion that the matter before it is either too serious or not serious enough to merit consideration at that level, it may refer the matter to the Tribunal at the level of greater or lesser seriousness as the case may be.
2. a) It shall be the duty of all the disciplinary and review bodies to act with the greatest possible speed.  
b) The Officer of Justice shall pay special attention

to ensuring the prompt handling of matters, and shall recommend rules to the NEC, covering the maximum periods which should normally be permitted for investigation, preparing the matter for hearing, and for the hearing itself.

Interpretation

This document should be interpreted in the light of the principles of justice set out in the introduction, and any doubts about its meaning should be resolved in the manner which will give the best effect to such principles.

The NEC

The NEC in its capacity as the highest organ of the ANC in the period between Conference, and as the guardian of the interests of the membership as a whole, will be responsible for the overall supervision and control of the functioning of this Code. Although it will not ordinarily interfere with the due operation of the Code, where gaps exist or the Code is manifestly unsuited to resolving questions that have arisen, or where it is of the opinion from evidence before it that severe justice may be committed or serious damage done to the interests of the organisation, it may issue such guidance or binding instructions as it deems fit.