

Regional Disciplinary Committees

- 1). In each Region a Regional Disciplinary Committee shall be established consisting of five members, three of whom shall constitute a quorum.
- 2). The members shall be chosen by the RPC for a period of two years, subject to the names being confirmed or rejected at the Annual General Meeting (or equivalent) ~~of the~~ ~~Region~~ of the Region. In the case of any name being rejected, the newly elected RPC shall make the necessary substitution.
- 3). a) The qualifications for being a member of the RPC shall be as follows:
 - (i) Dedication to the struggle;
 - (ii) Good political and personal

behaviour.

~~b) At least one member, who shall normally be the Chairman of the RDC,~~

b). At least one member of the RPC shall be a member of the RDC, but where possible the two bodies should not overlap too much.

c). The RDC should as far as possible reflect the composition of the membership in terms of age, sex, work and experience.

~~4). The RDC shall sit as a collective body under the and for~~

3(c), d).

~~It is stated that normally a Presenter and a Defender shall not be~~

4) a). The RDC shall in its discretion appoint a Presenter and a Defender, taking into account the following factors:

- (i) ~~(i)~~. The seriousness of the allegations;
- (ii) ~~(ii)~~. The complexity of the case;
- (iii) ~~(iii)~~. The capacity of the accused to ~~understand~~ understand the issues and make an effective defence;
- (iv) ~~(iv)~~. The availability of suitable persons ~~to fulfil~~ to fulfil the roles.

~~(v)~~ b). A member ^{or member} of the RDC may be appointed to investigate any alleged offences, take statements and present the evidence at the hearing.

~~(v)~~

5) a). Hearings shall normally be ~~in public~~
~~with every effort made to ensure~~
open to all members;

b). Every effort should be made to ensure
the presence of members, and they should
be encouraged to participate in the
proceedings at all stages before the final
decision.

c). The decision shall be that of the
RDC only, but members present
shall be encouraged to ask
questions, and contribute information and
opinions which may be helpful to
the Committee.

6). Subject to the aforementioned provisions,
the principles and ^{rules set out in the sections} ~~procedures governing~~
on investigation and procedure shall apply

Violations

The Hearing of Violations.

1). Violations shall normally be investigated ~~by~~ and judged by the persons responsible for discipline and security at the level of the ^{relevant} unit, residence or work structure to which the accused belongs, and the full membership of such ~~directly affected by~~ ~~which was most closely associated~~ body shall hear the matter. ~~with~~ the violation.

2). The body concerned will determine its own procedure within the principles of giving the accused every reasonable chance to make his or her defence, raising the general consciousness of everyone present, ~~and~~ maintaining a spirit of objectivity and comradeship, and not tolerating or being afraid to condemn bad behaviour.

III Disciplinary Courts and Procedures

- 1). There shall be established a National ~~Tribunal~~ ^{Peoples)} People's Tribunal and Regional Disciplinary Courts.
- 2). The National Tribunal shall consist of 5 members, three of whom shall constitute a quorum, and ^{who} shall be ~~provided for by~~ appointed for a period of 3 years by the N.E.C. Members shall be eligible for re-appointment.
- 3) a). The ~~qualification of the~~ members shall be chosen ~~on the basis~~ ^{individual personal} according to the following criteria:
 - (i) Personal integrity and correct personal behaviour;
 - (ii) Dedication to the principles and policies of the organisation;
 - (iii) ~~General experience~~ ^{Personal maturity} and capacity to handle difficult matters with dignity and serenity.

b). The Tribunal as a whole ~~should be~~ ^{should have a zone of} ~~weighted in favour of~~ experienced members, but should as far as possible ^{be} representative of the membership best qualities of the membership as a whole in terms of age, sex, sphere of activity, ^{and experience,} ~~and so~~

c). The Tribunal will act as a wholly collective ^{body, and} where consensus is not attainable, decision shall be by majority vote, ~~and~~ in the case of a tie, the President shall have a casting vote.

d). The Tribunal ~~will~~ ^{shall} ~~make its~~ ⁽ⁱ⁾ decisions in terms of the provisions of this Code, ⁽ⁱⁱ⁾ collaborating as closely as possible with all the relevant structures of the organisation, ~~but attributable only~~ ^{in order to achieve the best result} ~~to its~~ ~~constitutory~~ ~~responsibilities~~ and strengthen the unity of the organisation, ⁽ⁱⁱⁱ⁾ make its determinations on the

A. The Tribunal shall consist of

basis of the collective wisdom of its members, who, shall be answerable in the performance of their judicial function shall be answerable only to their revolutionary conscience, and not be submitted to ^{any undue} pressures. ~~by the~~

~~Article~~. ^{Officer} Department of Justice.

~~3.1~~ 1. An ^{Officer} Department of Justice shall be established, ^{appointed} functioning ~~as a section~~ ^{under} in ^{collaborating with} of the ^{'s} Office, and under the overall supervision of the N.E.C. who shall confirm ^{his or her} ~~all~~ appointments and ~~nominate its head,~~ ^{and} specifying his ~~or~~ her exact functions.

~~4.1~~ 2. The ^{Justice Officer} Department shall be, at ~~Be~~ responsible for: a) maintaining the principles of legality in the

organisation;

b). Supervising investigations ~~against~~
~~members~~ when they reach the stage
that charges are being contemplated
against ~~them~~ members;

c). Preparing the documents for the
proceedings;

d). Ensuring that ~~written~~ all the
necessary testimony, written or oral, is
made available to the Tribunal;

e). Ensuring that exhibits are properly
looked after and made available to
the Tribunal;

f). Appointing ^{a presenter} ~~someone~~ to outline the
charges, present the evidence, ~~and~~
question the witnesses and assist the
Tribunal in any way required.

g). Appointing ^{a defender} ~~someone~~ to assist the
accused in his or her defence

h). Issue an independent report on the proceedings raising any matter deemed to be relevant for consideration by the Review Body.

~~h). Check up on the way persons~~

i). Ensure that ~~any~~ no person in the custody ~~is~~ or subject to the control of officers of the organisation ~~is~~ treated in a cruel, inhuman or degrading way

j). Make regular inspections of the way persons deprived of their liberty are treated, with a view to ensuring that the principles of re-education and not vengeance are respected.

k). Generally to ensure that the principles of justice and revolutionary legality are constantly maintained at

all levels in the organisation.

Investigation:

- 1). Investigation of grave offences shall ~~be~~ primarily ^{be} the responsibility of security.
- 2). It is the duty of all members to assist security in every possible way, both by giving ~~security~~ relevant information when enquiries are being made, and by respecting all the general rules of security.
- 3). All normal and reasonable methods of investigation may be used in the course of investigation.
- 4). ~~Any form of~~ torture or any form of cruel, inhuman or degrading treatment is strictly forbidden, and in the event of being practised shall

be punished ~~independently~~ of the results
~~obtained~~ as a serious Offence, or, if
done with the objectives set out
in , as a grave ~~Offence~~ Crime.

Procedure.

- 1). The Presenter will outline the nature of the allegations and the kind of evidence to be led.
- 2). The Accused will then be called upon to give his or her general response to the allegations, in particular whether he or she "admits or denies them in whole or in part, or
(ii) admits them ^{facts} but wishes to offer an explanation which justifies the conduct or
(iii) admits the facts but wishes to offer an explanation in mitigation
- 3). The Presenter will thereafter present all such evidence, written or oral, as may be necessary in support of the allegations and all relevant surrounding circumstances, including the motivation and general conduct of

the Accused.

- 4) a) At all stages the Defender shall cooperate with the Accused in representing his or her interests and ensuring a just result.
- b) The Defender shall be free to make any statements or ask any questions which will assist the Tribunal in getting a balanced picture of the issues.
- c) The Defender shall also bring to the attention of the Tribunal, ~~as well as~~ ^{as well} to the Justice Office, any irregularities which may ~~the~~ have been committed in the course of investigations or the proceedings.
- d) The Defence shall be conducted ~~in~~ in a dignified manner ~~and~~ within the spirit of the principles enunciated in the Freedom Charter and this Code.
- e) ~~The Accused~~ while being free to conduct the Defence as forcefully as

may be necessary, the Defender shall not invent spurious defenses or assert anything to the Tribunal which he or she knows to be false.

4). In cases where guilt is ~~clearly~~ established, the Defender shall ~~be~~ have a particularly important function in assisting the Tribunal in arriving at a just penalty.

5). The Presenter shall furnish ^{to the Tribunal} all evidence at his or her disposal that might be relevant, and not keep back material which might be favourable to the Accused.

6). a). After the Presenter's evidence has been led, the Accused shall have the right to ~~lead~~ ^{give} evidence and ^{presently or} call for ^{the production of} witnesses or documents to be presented.

b). The Accused shall not be obliged

to ~~be~~ testify, but failure to do so will normally be considered as admitting the allegations not ~~committed~~ ^{directly} by him or her.

c). The Tribunal may at any stage question the Accused as to whether he or she admits or denies, in whole or in part, evidence which has been led by the ~~Defence~~ Presenter.

d). In deciding whether or not to ~~grant~~ accede to ~~the Accused's~~ a request by the Accused to call any particular form of ^{testimony} evidence, the Tribunal will weigh ~~the~~ the ~~materiality~~ potential evidential value of the testimony and its importance for arriving at a just result, against ~~the~~ the practical possibility or impossibility of calling such evidence, the disruption it might cause to

the prosecution of the ^{security considerations} struggle, and any other factor similarly relevant. If such evidence is not called, and there are reasonable grounds for believing that it might have been favourable to the Accused, due allowance must be made for such fact in the final deliberations of the Tribunal.

e). The Tribunal shall take an active role in the proceedings, asking such questions and calling for such evidence as it might regard necessary for a just result.

f). The President of the Tribunal, or in his or absence, the person appointed to preside in any particular case, shall ensure that the proceedings are conducted in a fair, orderly, dignified and calm manner, and shall make any order which the Tribunal

considers necessary for a just result.

g) ~~(i)~~ The Tribunal shall ensure that

an accurate record of all essential aspects of the proceedings is made, and ^{in any event} that all relevant documents and exhibits are properly preserved.

~~(i)~~ Where possible, a Recorder should be appointed to keep a verbatim record of the proceedings. Where this is not possible, the Tribunal shall ensure that ↙

8) ~~(a)~~ Where the Accused admits all the essential facts alleged and offers no justification, the Tribunal may ~~be~~ proceed directly to hearing evidence and argument in relation to the appropriate penalty.

~~(a)~~ ^(b) The Tribunal shall at all times

be attentive to the necessity to ensure that any confession or admission is genuine and that its contents can be relied upon, and should ~~not make a finding of~~ ^{not make a finding of} ~~guilt without~~ ^{guilt without} some external and substantial form of corroboration.

9. (a) The Tribunal shall receive every and any kind of evidence relevant to the allegations, ~~admitted~~ but may refuse to hear evidence that is too remote or tangential or indirect to have a ~~direct~~ ^{close} bearing on the issues.

(b) The Tribunal shall take into account all the information placed before it at the proceedings, ~~and as~~ ~~analyze it in terms of~~

as well as any information of a non-controversial nature which is well-known to the membership generally, and ^{shall} give such weight to any piece of information, including confessions, as it thinks fit.

(c) The Tribunal will record the essential ~~findings~~ findings of fact^{on} which it bases its decision

(d). The Tribunal will only convict when it is sure of the guilt of the accused. Any reasonable or substantial doubt which it might have, must go ~~to~~ to the advantage of the accused.

10. ~~(i)~~ (i) If, on hearing all the evidence, the Tribunal is satisfied that the accused is guilty of any charge, it shall so declare

(ii) ~~(i)~~. If it is satisfied of the innocence of the accused, it ~~may~~ ^{shall} so declare.

(iii) ~~(i)~~ If it feels itself unable to make a firm determination either ~~of~~ ^{of} innocence or ~~of~~ of guilt, it may make a finding of 'Not Proven' and order that the matter be postponed for further evidence, or make any other order it regards as appropriate.

(*) (ii) The record of the proceedings shall be in English.

(ii) (iii) The proceedings shall be conducted in a language which the accused understands well, and should wherever possible be conducted in the language of preference of the accused. The Tribunal in this regard will, ^{whenever possible,} make interpretation available, save that it will refuse to do so if it is satisfied that the request of the accused is ^{motivated by a desire} ~~designed~~ to delay or obstruct the proceedings, and not to ensure a better comprehension by the accused.