



GOVERNMENT GAZETTE

OF THE

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PROCLAMATION

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 3

1991

COMMISSION OF INQUIRY INTO MATTERS RELATING TO CHIEFS, HEADMEN AND OTHER TRADITIONAL OR TRIBAL LEADERS AND AUTHORITIES: APPLICATION OF THE COMMISSIONS ACT, 1947, AND REGULATIONS

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act 8 of 1947), I hereby declare the provisions of the said Act to be applicable with reference to the Commission of Inquiry into Matters Relating to Chiefs, Headmen and other Traditional or Tribal Leaders and Authorities appointed by me, the appointment of which was made known by

Government Notice 32 of 1991, and hereby make the regulations set out in the Schedule with reference to the said Commission.

Given under my Hand and Seal of the Republic of Namibia, at Windhoek this 19th day of March, One Thousand Nine Hundred and Ninety-One.

Sam Nujoma

President

BY ORDER OF THE PRESIDENT-IN-CABINET

SCHEDULE

1. In these regulations, unless the context indicates otherwise -

“Chairperson” means the Chairperson of the Commission;

“Commission” means the Commission of Inquiry into Matters Relating to Chiefs, Headmen and other Traditional or Tribal Leaders and Authorities;

“document” includes any book, pamphlet, notes and records (including any tape or other mechanical recording of anything and any transcription of any such notes or records, tape or other mechanical recording), list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“inquiry” means the inquiry conducted by the Commission in the execution of its functions;

“Minister” means the Minister of Local Government and Housing;

“premises” includes any land or any building or structure or any part of any building or structure or any vehicle, vessel, aircraft or other means of transport.

2. The Chairman may, on such terms and conditions as the Minister may determine,

- (a) appoint one or more persons to assist the Commission in or in connection with the execution of its functions.
- (b) designate one or more persons to be present at the inquiry and to present evidence and arguments which have a bearing on the inquiry and to cross-examine witnesses appearing before the Commission subject to the provisions of regulation 7.

3. The administrative functions of the Commission shall be performed by officers in the public service assigned by the Permanent Secretary: Local Government and Housing for that purpose.

4. The Chairperson shall determine the procedure to be followed by the Commission.

5. (1) The proceedings of the Commission shall be recorded in the manner determined by the Chairperson.

(2) Any person appointed to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded, shall beforehand take an oath or make an affirmation before the Chairperson in the following form:

“I, A.B., declare under oath/affirm and declare -

(a) that I shall faithfully and to the best of my ability take down in shorthand/record by mechanical means the proceedings of the Commission of Inquiry into Matters Relating to Chiefs, Headmen and other Traditional or Tribal Leaders and Authorities as directed by the Chairperson of the Commission;

(b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the said Commission made by me or any other person.”.

(3) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairperson.

6. (1) No person employed or assisting in the execution of the functions of the Commission, including a person referred to in regulation 5(2), shall communicate to any other person any matter or information which may have come to his or her knowledge in connection with the inquiry of the Commission or allow any person to have access to any records of the Commission, except in so far as it is necessary in the performance of his or her duties in connection with the functions of the Commission or in terms of an order of a competent court.

(2) Every person referred to in subregulation (1) shall beforehand take an oath or make an affirmation of fidelity and secrecy before the Chairperson in the following form:

“I, A.B., declare under oath/affirm and declare that, except in so far as it shall be necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into Matters Relating to Chiefs, Headmen and other Traditional or Tribal Leaders and Authorities, or in terms of an order of a competent court, I shall not communicate to any person any matter or information which may have come to my knowledge in connection with the inquiry of the said Commission, or allow any person to have access to any document of the Commission in my possession or custody or in the possession or custody of the said Commission or any officer.”.

7. Any witness giving evidence before the Commission may be cross-examined by a person, or the legal representative of such person, only if the Chairperson permits such cross-examination when he deems it necessary in the interests of the functions of the Commission.

8. If any person who gives or has been summoned to give evidence before the Commission, so requests, the Chairperson may direct that no person shall publish in any manner whatsoever the name or address of that person or any information likely to reveal his or her identity.

9. Any witness appearing before the Commission may, in the discretion of the Chairperson and in the manner determined by him or her, be assisted by an advocate or attorney.

10. The Chairperson or any member or officer may, for the purposes of the inquiry, at any reasonable time enter and inspect any premises, except the private home of any person, and demand, peruse and seize or copy or make extracts from any document which has a bearing on the inquiry and which is found on such premises.

11. No person shall insult, disparage or belittle the Commission or the Chairperson or a member or prejudice, influence or anticipate the proceedings or findings of the Commission.

12. Any person who contravenes or fails to comply with any provision of these regulations or a direction under regulation 8, or who wilfully hinders, resists or obstructs the Commission, the Chairperson, a member or any officer in the exercise of any power referred to in regulation 10, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 6 months.