

**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**

**CASE NO: 10193/14**

In the application between:

**MULTICHOICE (PROPRIETARY) LIMITED**

**First applicant**

**COMBINED ARTISTIC PRODUCTIONS CC**

**Second applicant**

**PRIMEDIA BROADCASTING,**

**Third applicant**

**A DIVISION OF PRIMEDIA (PTY) LTD**

**AND**

**THE NATIONAL PROSECUTING AUTHORITY**

**First Respondent**

**OSCAR LEONARD PISTORIUS**

**Second Respondent**

**AND**

**CASE NO: 51564/13**

In the application between:

**e.tv (PTY) LIMITED**

**First Applicant**

**e.sat (PTY) LIMITED**

**Second Applicant**

**AND**

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**THE DIRECTOR OF PUBLIC PROSECUTIONS,  
NORTH GAUTENG HIGH COURT, PRETORIA  
OSCAR PISTORIUS**

**First Respondent  
Second Respondent**

In re:

**THE STATE**

**V**

**OSCAR LEONARD PISTORIUS (CASE NO 13/25513)**

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**DRAFT ORDER**

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**IT IS ORDERED THAT:**

1. The applicants under Case No. 10193/14 MultiChoice Proprietary Limited, Combined Artistic Productions CC and Primedia Broadcasting, a division of Primedia (Pty) Ltd ("**MultiChoice and Primedia**"), or their authorised representative, are permitted to set up equipment in accordance with the specifications below to obtain a video and audio recording and/or transmission of the permitted portions (as indicated in 3 and 4 below) of the criminal trial of Oscar Leonard Pistorius under case number 13/25513 ("**the trial**").

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### Technical specifications

2. The equipment shall comply with the following specifications:
  - 2.1 three cameras, as depicted in annexure A ("**the cameras**"), shall be installed in the courtroom where the trial is to take place, at least 72 hours before the trial commences;
  - 2.2 the cameras shall be installed in locations in the courtroom which are as unobtrusive as possible, and so that the proceedings are not interfered with. The locations of the cameras shall be substantially in the areas of the courtroom indicated in annexure B;
  - 2.3 the cameras shall be remotely controlled from a control room and no camera personnel are permitted to be present in the courtroom to operate the cameras during the trial;
  - 2.4 the cameras must be pre-set to ensure that no extreme close-ups any witness, legal representative, the presiding judge, or any person in attendance at the trial, takes place;
  - 2.5 the equipment is not permitted to record in any manner any confidential communication between legal representatives or between clients and their legal representatives, or any bench discussions (between the judge and any lay assessors that may be appointed);
  - 2.6 the equipment shall be deactivated so that no recording whatsoever can take place while the court is not in session, including any breaks (such as lunch and tea breaks), and during the time before the court is

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in session and after the judge has adjourned the trial at the end of each day;

- 2.7 the cameras shall not be accompanied by any "movie lights", flash attachments or artificial lighting devices and no visible or audible light or signal is permitted;
- 2.8 no cabling for the cameras on the floor of the court shall be permitted;
- 2.9 MultiChoice and Primedia may install their own audio-recording system provided that this is unobtrusive and does not interfere with the proceedings.

**The portions of the trial that may be recorded and broadcast**

- 3. MultiChoice and Primedia are permitted to broadcast the audio recording of the entire trial in live transmissions, delayed broadcasts and/or extracts of the proceedings.
- 4. MultiChoice and Primedia are permitted to broadcast audio-visual from the following portions of the trial only, in live transmissions, delayed broadcasts and/or extracts from the proceedings:
  - 4.1 Opening argument of the state and the accused;
  - 4.2 Any interlocutory applications during the trial;
  - 4.3 The evidence of all experts called to give evidence for the state or the accused;

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- 4.4 The evidence of any police officer or former police officer in relation to the crime scene;
- 4.5 The evidence of all other witnesses for the state or the accused, and the evidence of the accused unless such a witness does not consent to such recording and broadcasting and the presiding judge rules that no such recording and broadcasting can take place;
- 4.6 Closing argument of the state and the accused;
- 4.7 Delivery of the judgment on the merits; and
- 4.8 Delivery of the judgment on sentencing, if applicable.

5. Any witness whose testimony is to be broadcast in audio-visual form may subject his or her consent to such broadcast to reasonable conditions (which shall be communicated to MultiChoice and Primedia or their representatives by the state or the defence, as the case may be) including:

- 5.1 The broadcasting of the evidence from behind with the face of the witness obscured from public view;
- 5.2 The broadcasting of the evidence from the front but with the face of the witness obscured from public view;
- 5.3 The broadcasting of the evidence only by way of a "wide shot", i.e. the central camera placed at the back of the courtroom would depict the entire courtroom with the judge at the centre of the image and the witness only visible in the background.

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6. Notwithstanding the above, the presiding judge shall retain a discretion to direct that, in the event that it becomes apparent that the presence of the cameras or the recording and/or transmitting and/or broadcasting is impeding a particular witness's rights to privacy, dignity and/or the accused's right to a fair trial, MultiChoice and Primedia will be directed to cease recording and/or transmitting and/or broadcasting the testimony.
7. MultiChoice and Primedia are directed to make the feed from the authorised broadcasts referred to above available free of charge to the applicants under Case No. 51564/13 and any other broadcaster in "clean" form, that is free of any logos.
8. Only those respondents opposing the aforesaid applications are ordered to pay the costs of such applications.

Dated at Pretoria on

2014

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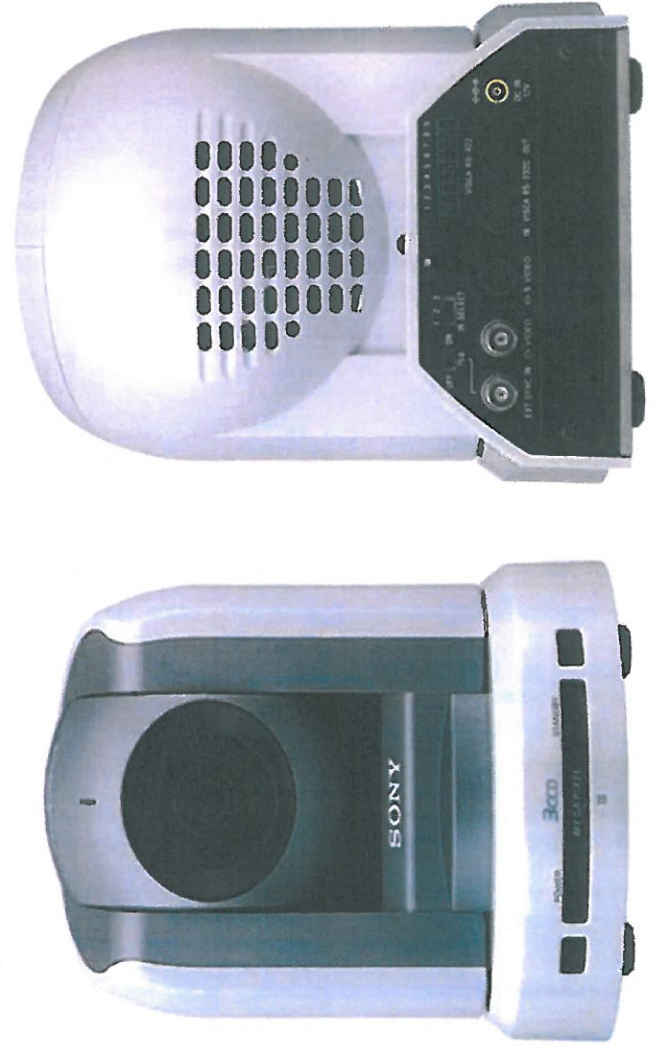
**PRESIDING JUDGE**

**PRETORIA**





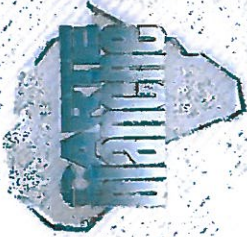
**PROPOSED CAMERAS**



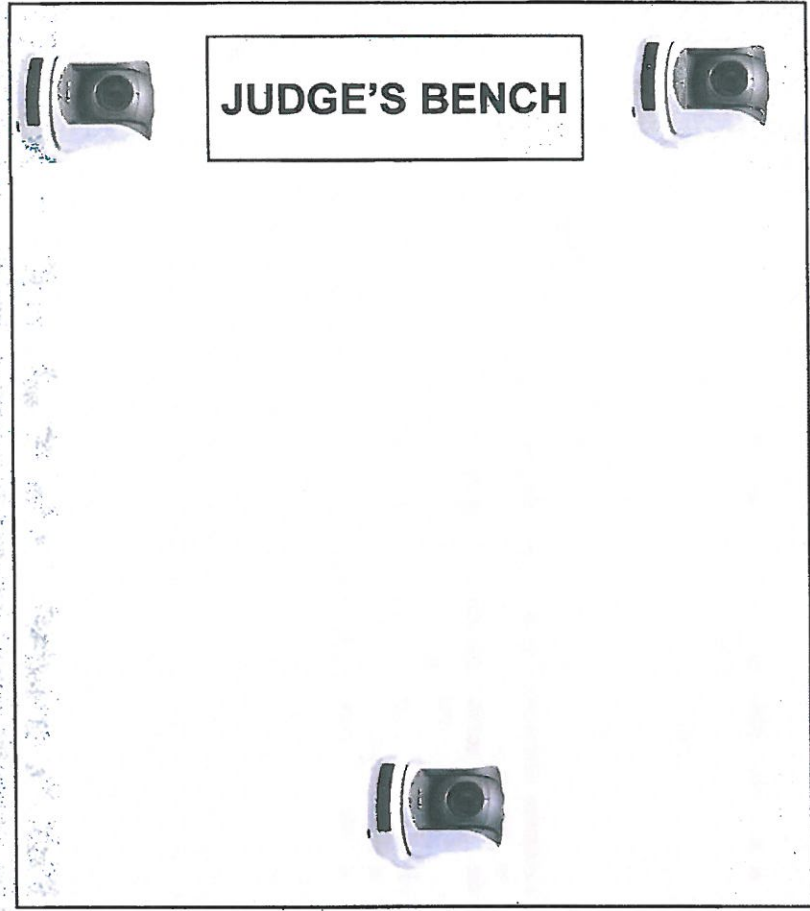
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# COURT SET-UP



## "ANNEXURE B"



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