



THE JUDICIARY

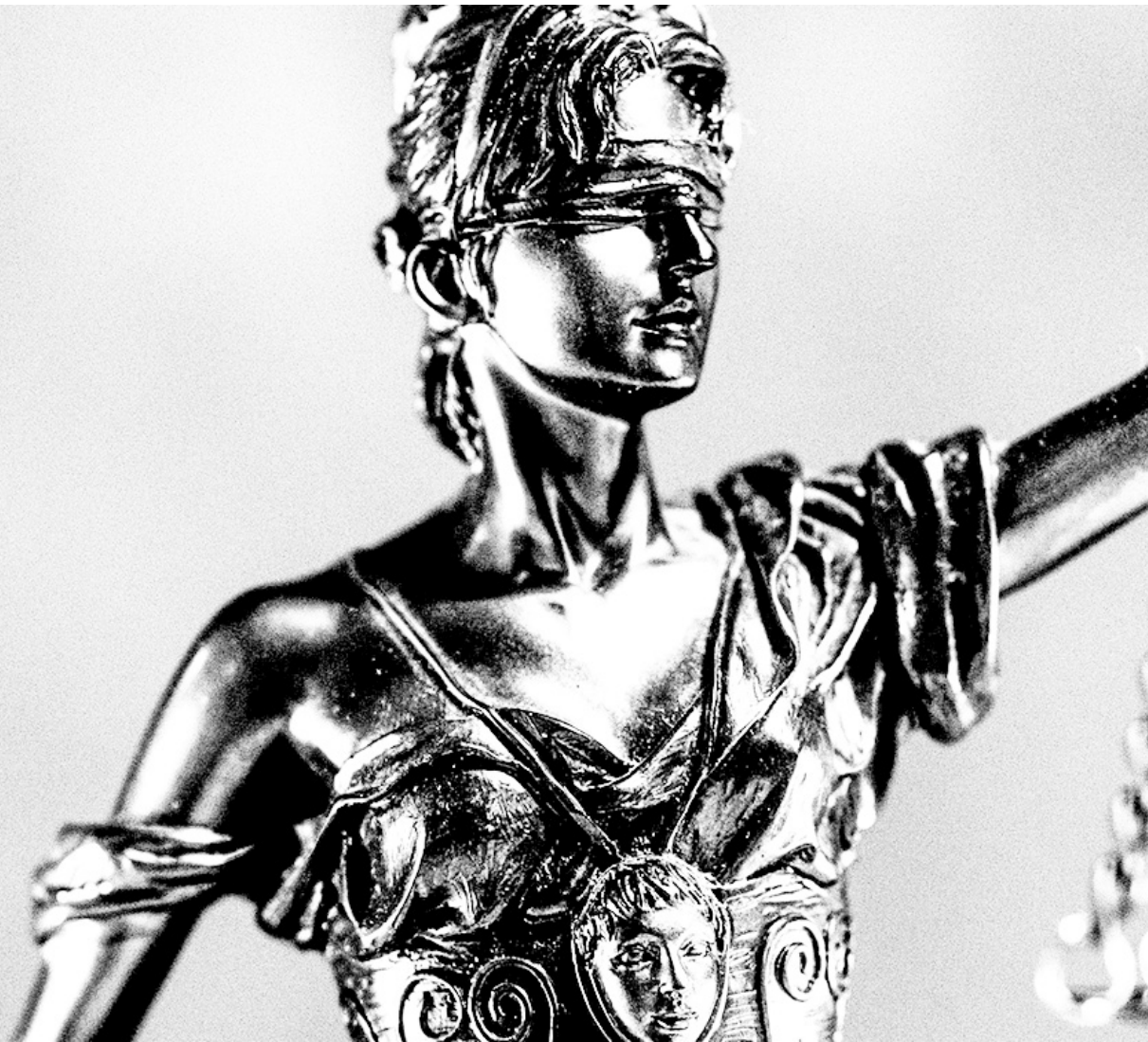
CHIEF JUSTICE R M M ZONDO PRESIDES
OVER SWEARING IN OF THE PRESIDENT

JUSTICE Y MOKGORO REMEMBERED

HAGUE FORUM ON DOMESTIC VIOLENCE
HELD IN SOUTH AFRICA

100 YEARS OF WOMEN IN LAW

60TH ANNIVERSARY OF THE RIVONIA TRIAL



 The South African Judiciary

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 Judiciary RSA



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Dear Colleagues

It has been a busy few months for the Judiciary, especially in the period following the May 2024 National and Provincial elections. We bring you all these updates in this winter edition of the Judiciary Newsletter.

Our nation went to the polls on 29 May 2024 to elect the 7th Administration of the democratic era. The declaration of the election results by the Independent Electoral Commission (IEC) activated the discharge of certain constitutional obligations by the Chief Justice of the Republic of South Africa and the Judiciary in facilitating the change in Administration at national and provincial levels. This culminated in the Chief Justice presiding over the swearing in of the President of the Republic on 19 June 2024. We bring you highlights of these activities on pages 2 and 3.

In May, the Judiciary learnt with sadness of the passing of Justice Yvonne Mokgoro, a former Justice of the Constitutional Court. Justice Mokgoro belonged to the first group of Justices of the Constitutional Court who were appointed in 1994 and who laid the foundation for the strong constitutional jurisprudence which continues to guide our constitutional democracy and for

FROM THE EDITOR

which the Constitutional Court is highly regarded internationally. She made an enormous contribution to our constitutional democracy and the country will forever be indebted to her and her Constitutional Court Colleagues of the time for their role. She retired as a Justice of the Constitutional Court after serving for fifteen years. The Constitutional Court held a ceremonial sitting in her honour on 27 May 2024. Please see page 4.

We also followed Deputy Chief Justice M M L Maya as she engaged in various forums. On 24 May 2024, the Deputy Chief Justice gave a public lecture in honour of Ambassador Brigitte Mabandla, the former Minister of Justice, at the relaunching and renaming of the Justice College to the Brigitte Mabandla Justice College. Please see page 6 for more on this. The Deputy Chief Justice also participated in the Forum on Domestic Violence and the Operation of Article 13(1)(b) of the 1980 Child Abduction Convention, held in Sandton on 19 June 2024. Representatives from all relevant perspectives engaged in an open, informal dialogue on the operation of the Child Abduction Convention within the context of domestic violence. Please see page 11 for more on this.

We were proud as the Judiciary to host the South African Women Lawyers Association (SAWLA) for a ceremonial sitting to celebrate 100 years of women in law in the Mpumalanga Division of the High Court, Mbombela, whilst also celebrating the appointment of Judge President Mphahlele as the first female Judge President of that Division. In another event, we were pleased to welcome the Ahmed Kathrada Foundation on 12 June 2024 at the Palace of Justice, Pretoria, as they commemorated the 60th anniversary of the 1964 Rivonia Trial. Please see more on these activities on pages 20 and 31, respectively.

There is more to read about in this edition of the Judiciary Newsletter. We implore you to read further and learn more about the initiatives our colleagues have been partaking in and outside the court room.

Keep warm!



Judge President Thoba Poyo Diwati

Judge of the KwaZulu-Natal Division of the High Court
and President of the SAC -IAWJ



Chief Justice R M M Zondo with the Secretary General of the OCJ, the Secretary to Parliament, senior officials of Parliament and of the Provincial Legislatures.

HANDING OVER OF THE LISTS OF MEMBERS OF THE NATIONAL ASSEMBLY AND PROVINCIAL LEGISLATURES

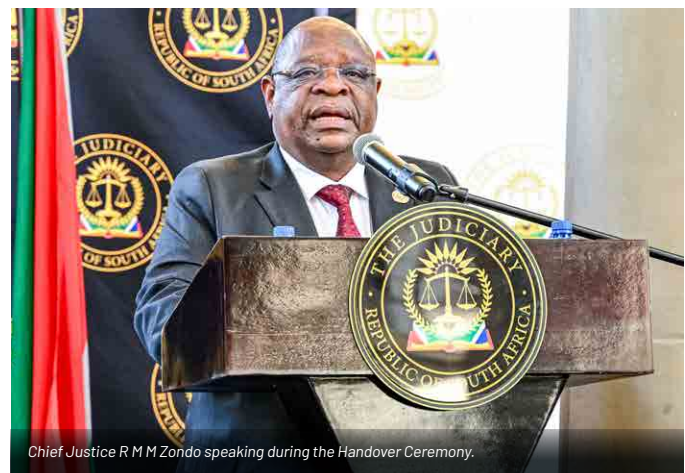
On 6 June 2024, Chief Justice R M M Zondo officially received from the Chairperson of the Electoral Commission, Mr Mosotho Moepya, the lists of designated members of Parliament (MPs) and members of Provincial Legislatures (MPLs), following the announcement by the IEC of the results of the May National and Provincial elections. The Chief Justice, in turn, handed over the lists to the Secretary to Parliament in preparation for the first sitting of the National Assembly. The ceremony took place at the Constitutional Court.



The handover moment: Chief Justice R M M Zondo receiving the lists of the election results from IEC Chairperson, Mr M Moepya.



Judge President C Musi



Chief Justice R M M Zondo speaking during the Handover Ceremony.



L-R: Secretary to Parliament Mr X George, former NCOP Chairperson Mr A Masondo, Chief Justice R M M Zondo and IEC Chairperson Mr M Moepya.

CHIEF JUSTICE'S EVENTS



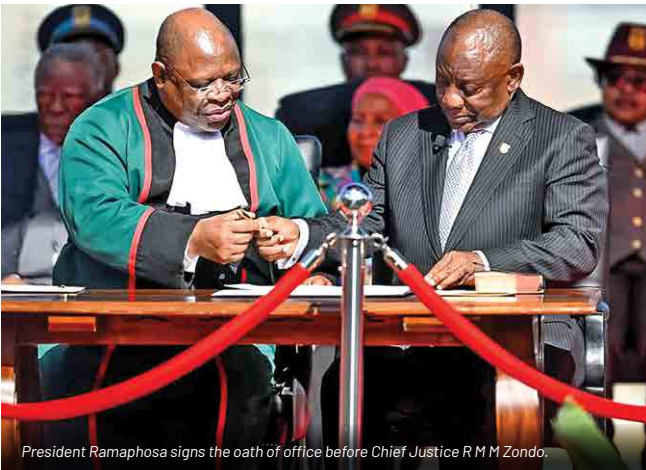
Chief Justice R M M Zondo administered the oath of office to His Excellency President C M Ramaphosa at the Union Buildings in Pretoria.

CHIEF JUSTICE ZONDO PRESIDES OVER SWEARING IN OF THE PRESIDENT

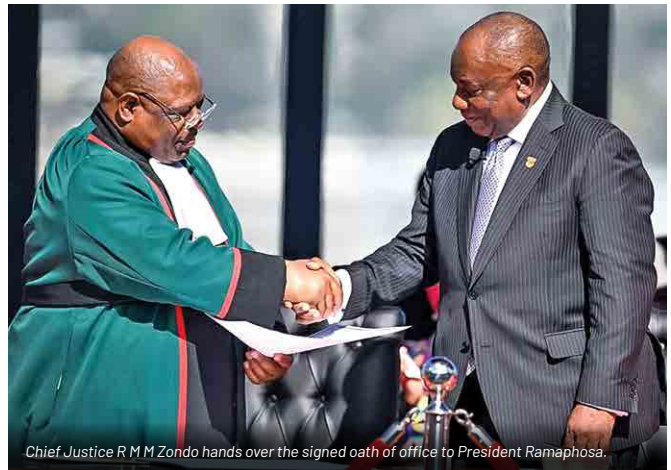
On 19 June 2024, Chief Justice R M M Zondo presided over the swearing in of the President of the Republic, His Excellency President M C Ramaphosa, following his election as President by the National Assembly. The President assumed office by swearing faithfulness to the Republic and obedience to the Constitution, in accordance with Schedule 2 of the Constitution.



Chief Justice R M M Zondo and President elect, Mr C M Ramaphosa, before taking the oath of office.



President Ramaphosa signs the oath of office before Chief Justice R M M Zondo.



Chief Justice R M M Zondo hands over the signed oath of office to President Ramaphosa.



L-R: Judge President P Tlalets, Justice Dumba, Justice Zondi and SCA President B M Molemela at the Inauguration Ceremony.



Judge President Z Carelse, Judge President S Mphahlele and Judge President T Poyo Dlwati also attended the Inauguration Ceremony.



The Constitutional Court sat to honour the late Justice Mokgoro.

THE CONSTITUTIONAL COURT HELD A SPECIAL CEREMONIAL COURT SITTING IN HONOUR OF JUSTICE MOKGORO

The Constitutional Court held a special ceremonial court sitting to celebrate and remember retired Constitutional Court Justice, Yvonne Mokgoro, who passed away on 9 May 2024. The sitting took place at the Constitutional Court on Monday, 27 May 2024.



Chief Justice R M M Zondo during the ceremonial sitting.



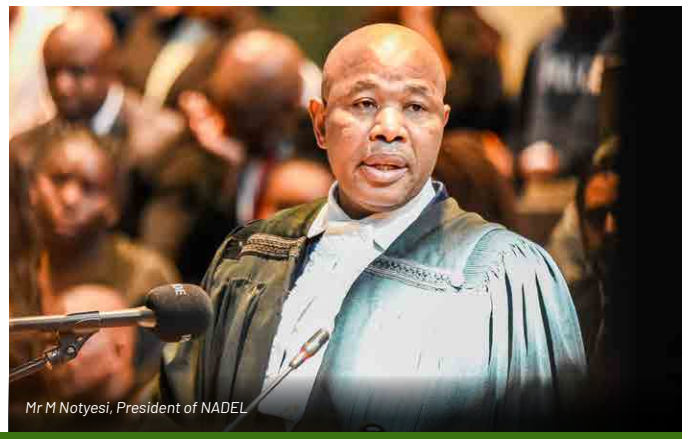
Mr Lechesa Tsenoli, Acting Speaker of the National Assembly.



Mr John Jeffery, Deputy Minister of Justice and Constitutional Development, speaking on behalf of the Ministry of Justice and Correctional Services.



Advocate Shamila Batohi, the National Director of Public Prosecutions, spoke on behalf of the National Prosecuting Authority.



Mr M Ntuyesi, President of NADEL

CHIEF JUSTICE'S EVENTS



L-R: Mr V Mtholo, Ms T Maluleke, Chief Justice R M M Zondo, Ms P Stock, Professor W Nkuhlu and Mrs Nkuhlu.

SAICA 2024 AGM

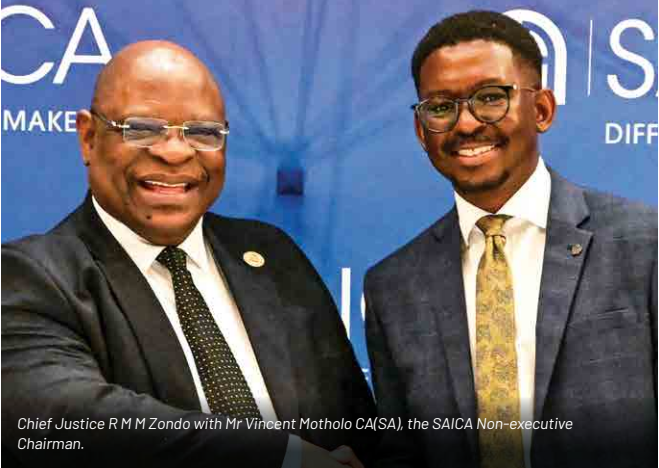
The South African Institute of Chartered Accountants (SAICA) held its 2024 AGM on 31 May 2024 with Chief Justice R M M Zondo as guest speaker. The Chief Justice reflected on 30 years of a constitutional democracy and highlighted the challenges and successes the country has faced.



Chief Justice R M M Zondo delivering his keynote address.



Professor Wiseman Nkuhlu CA(SA), the Chairman of audit firm KPMG, addressing the gathering.



Chief Justice R M M Zondo with Mr Vincent Mtholo CA(SA), the SAICA Non-executive Chairman.



Mr Vincent Mtholo CA(SA), SAICA Non-executive Chairman, speaking at the AGM.



Ms Patricia Stock CA(SA), SAICA Chief Executive Officer, sharing words during the occasion.



DEPUTY CHIEF JUSTICE MAYA HONOURS AMBASSADOR MABANDLA

Deputy Chief Justice M M L Maya gave a public lecture in honour of Ambassador Brigitte Mabandla at the relaunching and renaming of the Justice College to the Brigitte Mabandla Justice College on 24 May 2024. The following is the text of her address.

I wish to begin by expressing my gratitude to Minister Lamola and the Department of Justice and Correctional Services for granting me the special privilege to stand before you today, on this auspicious occasion, as we gather to commemorate and celebrate the remarkable legacy of one of the most outstanding daughters of our Continent, Ambassador Brigitte Mabandla, by renaming the Justice College in her honour.

It is a rare honour for me to speak about the legacy of this visionary figure who has, over the years, displayed exceptional leadership qualities and unwavering commitment in the vigorous fight for our country's freedom, justice and equality, and the protection of the rights of women and children and has done so much for the achievement of our democracy.

This event is not merely a ceremonial gesture but a profound recognition of the indelible impact this exceptional lawyer and true woman and servant leader, whose profound mantra and lived life is **"Make those regarded as small, the most important"**, has had on our legal and judicial landscape, and on our constitutional democracy as a whole.

South Africa celebrates a significant milestone: 30 years of democracy, this year. And as we reflect on this critical era, it is crucial to acknowledge the individuals who have contributed to the achievement, transformation and strengthening of our democracy and its institutions. Ambassador Mabandla certainly stands out as a beacon for these efforts and for that reason we honour her legacy to ensure that her contributions continue to inspire future generations, and particularly young women in the legal profession and others in society at large.

Brigitte Sylvia Mabandla: Who She Was, What She Achieved, and What She Stood For

Ambassador Mabandla's journey began on her humble birth in Johannesburg, on November 23, 1948 and her trailblazing rise from her youth to become a leading figure in the South African legal and political arena, in a life marked by her devotion to the service of her country and its people. During her student years at university in the early 1970s, she joined a student activist group called the South African Students Organisation. It was there that she met her husband, Mr Lindelwe Mabandla, a fellow student activist, and together, they were recruited into the African National Congress (ANC). Thereafter, they dedicated themselves to the struggle against apartheid doing perilous and demanding work which demanded extraordinary courage and determination.

The brutal apartheid system was clamping down on student political opposition and this led to harassment and arrests for the young couple. Ambassador Mabandla was excluded from the university and was later put in detention right after the birth of her firstborn child. The couple was eventually able to escape South Africa into exile in Zambia.¹

In exile, Ambassador Mabandla, appreciating the importance and value of education, furthered her studies. After obtaining her LLB in Botswana, she lectured Law and English in Botswana and Zambia from 1981 to 1986. Her academic excellence was merely a prelude to a career that would be defined by her relentless fight for human rights and her commitment to democracy. Thereafter, she became a legal advisor to the African National Congress Legal and Constitutional Affairs Department in Lusaka from 1986 to 1990 specializing in children's rights, human rights, and constitutional affairs, until her return to South Africa in 1990.²

Following the unbanning of the ANC and the release of political prisoners in the early 1990s, Ambassador Mabandla returned to South Africa and continued her legal and political career with vigour. Notably, from 1990 to 1994, as a member of the ANC's Constitutional Committee and negotiating team, she played a pivotal role in the drafting of policies that would eventually guide South Africa through its transition to constitutional democracy and was one of the midwives of our internationally renowned Constitution.

Ambassador Mabandla served as a member of the National Assembly from 1994 and was a member of the High-Level Legislative Review Committee, reviewing laws and policies introduced to Parliament. She was subsequently appointed Deputy Minister of Arts, Culture, Science and Technology between 1995 and 2003. Her tenure in this role was marked by her efforts to promote cultural development and technological innovation, recognizing the importance of these areas in our nascent nation's growth and development. Thereafter she was appointed Minister of Housing until April 2004, and as Minister of Public Enterprise from 2008 until 2009.

Interestingly, during her tenure as the Deputy Minister of Arts, Culture, Science and Technology, she visited the University of Men in Paris where she saw and learnt first-hand, in stark detail, the full extent of the dehumanisation perpetrated by Europeans upon a fellow South African woman many centuries ago called Sarah Baartman. She moved swiftly to have Ms Baartman's remains repatriated back to South Africa, a move she says was one of her proudest achievements as deputy minister. And that indeed is one of the best achievements of our democracy to restore the dignity of our people.

Importantly, for today's purposes, in between her ministerial stints in the Departments of Housing and Public Enterprise, Ambassador Mabandla became the first (and last) woman to be appointed as Minister of Justice and Constitutional Development in democratic South Africa in 2004, a position in which she served with distinction. During her tenure in this department, she worked tirelessly to reform the justice system, ensuring that it was more accessible, transparent, and equitable; in alignment with her commitment to judicial education and gender activism. She was instrumental in the implementation of various legislative measures aimed at strengthening the judiciary and promoting human rights. Her leadership was characterized by her usual, steadfast commitment to the principles of justice and equality, and her interventions to uplift the women in the judiciary through the institutionalisation of education and training opportunities.

True to her character, when she realised that gender transformation might never be realised owing to the snail's pace at which women were being appointed in the judiciary and the discouraging statements that were being bandied about such as "there are no women to appoint as judges", she immediately looked for ways to close the gap. She constructively used her position as Justice Minister to positively advance the representation of women in the judiciary and the justice system as a whole.

She identified legal education and training as an important tool to help elevate women not only to the judicial bench but to leading positions within the judiciary. ”

Together with Chief Justice Pius Langa, in August 2007 Ambassador Mabandla initiated the Aspirant Women Judges' training programme, which aimed to educate, train and prepare women lawyers for appointment as judges. The programme would see more than 20 of its graduates indeed appointed as judges after completing that training and ascending the rungs of the Judiciary all the way to the Supreme Court of Appeal.

¹ <https://www.servantleader.co.za/brigitte>

² <https://www.gov.za/about-government/contact-directory/brigitte-sylvia-mabandla-ms>

Most unfortunately, once Ambassador left the Ministry of Justice interest waned in this critical and successful Programme until it finally died. But we, as members of the South African Chapter of the International Association of Women Judges, kept clamouring for its return at platforms such as the Judicial Service Commission and others wherever the perennial issue of the slow diversification of the judiciary in terms of gender was discussed until its value was recognized. And hearteningly, on 25 January 2023, the SAJEI resuscitated the programme and it was deservedly named the “Brigitte Mabandla Aspirant Women Judges’ Programme”. But one still laments the hiatus as it is clear that much would have been achieved by now if the programme had continued uninterrupted.

In August 2004, Ambassador Mabandla facilitated the launch of another groundbreaking initiative — the establishment of the South African Chapter of the International Association of Women Judges (SAC-IAWJ) by President Mbeki (which was not surprising in view of his association with one of the staunchest gender activists of our times, his wife Mama Zanele Mbeki). Not only did Ambassador see to the establishment of this important organisation; she also ensured that her department provided the necessary financial and other support through its Gender Desk.

Her efforts to empower women in the legal sphere did not stop there. In 2006, she also launched the South African Women Lawyers Association, which she intended to provide women in the legal profession with a professional networking forum after identifying a gap in women's participation in decision making and policy dialogues in the legal sector and in the country generally.

All these initiatives have played a critical role in the empowerment of women in the legal field. The SAC-IAWJ you established has worked tirelessly to ensure that your vision of fast-tracking of women into the judiciary and leadership positions within the institution is realised. I daresay that there would likely still be very few women in the judiciary and perhaps none of the women Deputy Judges President, Judges-President, President of the Supreme of Appeal and Deputy Chief Justice we have today, who are incidentally all members of the Chapter, without Ambassador Mabandla’ interventions in this regard.

And it has to be said that none of her successors or other relevant state functionaries have been able to conceive other new measures to advance the transformation project. Instead we are relying upon and repurposing measures she introduced all those years ago. It is almost irresistible to take this as proof that it is women who will achieve their equality through their own efforts and creativity.

Ambassador Mabandla has been a staunch advocate for equal access to quality education for all, particularly the vulnerable and disadvantaged communities. In the 1970s, she initiated a concept of open and winter school which enabled

children from all racial groups to interact and participate in educational programmes.³ Through her educational tours which she undertook between 1988 and 1993 to countries such as Sweden, Canada and Germany, she facilitated collaborations between South African educational institutions and international partners thereby promoting knowledge sharing and exchange.⁴

In her quest for gender equality and women empowerment and efforts in that regard throughout her career, Ambassador Mabandla has been involved in various other initiatives aimed at advancing the rights of women. These include, amongst others, her active membership in the ANC Women’s League and in the Women’s National Coalition, as well as founding and coordinating research projects on women’s and children’s rights at the Community Law Centre of the University of the Western Cape.⁵

Following her stints in Cabinet Ministerial duties, Ambassador Mabandla was, in 2015, appointed to the African Union African Peer Review Panel of Eminent Persons by the APRM Forum Heads of State. In 2020, Ambassador Mabandla was appointed as South Africa’s ambassador to Sweden, where she continued to advocate for human rights and international cooperation. Her diplomatic skills and deep understanding of legal and political matters all served to make her a highly respected figure on the global stage.

Throughout her illustrious and chequered career, Ambassador Mabandla has stood as a beacon of integrity, courage, and dedication.”

She has been a passionate advocate for the marginalized and the oppressed. And a distinguished part of her legacy is, of course, the Justice College which will now be fittingly cemented.

Justice College: History and Function

The Justice College is an educational and training institution within the Department of Justice and Constitutional Development. It has long been an institution dedicated to the training and development of legal professionals in South Africa. Founded to provide comprehensive training to prosecutors, magistrates, and other legal practitioners, the Justice College has played a critical role in shaping the skills and knowledge of those entrusted with upholding our legal system.

As has been said, this institute has, since its inception, evolved to meet the changing needs of our society. It adapted its

³ <https://omalley.nelsonmandela.org/index.php/site/q/03lv02424/04lv02426/05lv02550.htm>

⁴ <https://omalley.nelsonmandela.org/index.php/site/q/03lv02424/04lv02426/05lv02550.htm>

⁵ <https://omalley.nelsonmandela.org/index.php/site/q/03lv02424/04lv02426/05lv02550.htm>

curriculum in the advent of democracy to include issues such as human rights, constitutional law, and restorative justice. Now, in response to the evolving learning landscape, it is expanding and enhancing the curriculum to address the critical needs of the legal and anti-corruption professions. It has become a cornerstone of our judicial system, ensuring that those who pass through its doors are well-equipped to serve with competence, fairness, and integrity.

Ambassador Mabandla's relationship with the College, as Minister of Justice and Constitutional Development, was one of profound influence and inspiration. Because she recognized the vital importance of continuous legal education and professional development, under her leadership, the College expanded its programmes and embraced new methodologies to ensure that South African legal professionals would not only be well-versed in the law but would also be sensitised to the societal contexts in which they operated.

Her vision for the College was of an institution that would enjoy boundless academic freedom and provide enhanced services to government departments and entities. She envisaged an institution that would also extend its services beyond the borders of this country. Under her leadership and vision, the College, which was then headed by Mrs Cecille van Riet, began to transform from limited training courses, focusing on magistrates, prosecutors, clerks, interpreters, Masters' office staff, Deeds office staff to other sectors including the training of military judges, magistrates from neighbouring countries, and other government officials.

In 2005, around the appointment of Ambassador Mabandla, the College was a Chief Directorate. According to those who worked closely with Mrs van Riet and were thus privy to the changes underway, the Minister was of the view that at that level of Chief Directorate, the College did not enjoy the status to engage with stakeholders, in particular judges, in light of the impending establishment of the South African Judicial Education Institute (SAJEI). In order to realize the vision of an independent judiciary supported by the Ministry of Justice which would be comparable to other jurisdictions, Ambassador Mabandla transferred a Deputy Director General, Ms. Jacqui Ngeva, from her Office to Head Justice College and processes were set in motion to reposition it.

These processes included the drafting of a Bill to ensure an institution well governed in terms of the education and training it offered and its legal and policy frameworks. The Bill for the SAJEI's establishment was also drafted at the College and concerned mainly the training of magistrates transferring to the SAJEI.

During her term of office, Ambassador Mabandla ensured that all forms of training for the Department was provided through a single source — the Justice College. To that end, the Leadership, Management and Administrative Training Directorate was established over and above the Legal Learning Directorate. These were to be fused later with the Directorate of Business

Applications Training. Additionally, Justice College began to spearhead training from the Legal Learning Directorate on scarce skills areas including, Environmental Crimes, Cyber Law, Equality legislation and Equality Courts, Intensive Social Context, Organised Crimes. Training teams also travelled to neighbouring countries such as Namibia, Botswana and Swaziland to engage with the judiciary from South Sudan and Nigeria on related legislation.

Ambassador Mabandla certainly elevated the status of Justice College and has left a large footprint for others to follow and build on. Her invaluable contributions have highlighted the importance of judicial education and training as an important empowering tool for all judicial officers, and in particular, women judges and magistrates. Her vision for the Justice College was one of excellence and inclusivity, where legal education would be accessible to all, regardless of background or circumstance. Strengthening the College was yet another tool aimed at increasing the representation of women and previously disadvantaged individuals within the legal profession, understanding that diversity within the judiciary was essential for true justice and equality.

Renaming of Justice College in the Name of Ambassador Brigitte Sylvia Mabandla”

Today, as we stand on the threshold of a new era for the Justice College, it is eminently fitting that it is renamed in honour of its champion, not just a tribute to her extraordinary contributions, but also as a reaffirmation of the values and principles for which she stands; in recognition of her invaluable contributions to the legal profession and her unwavering commitment to justice; to honour her legacy and ensure that her name and the ideals she championed continue to inspire and guide future generations; and as a testament to the transformative impact she had on our legal system and her efforts to promote equality, strengthen the judiciary, and advance human rights which have left an unforgettable mark on our society. By naming the College after her, we are acknowledging her role in shaping the very fabric of our judicial system and ensuring that her contributions are remembered and celebrated.

Furthermore, this renaming serves as a reminder that our legal institutions must be accessible, fair, and representative of the diverse society they serve. It is a call to action for all legal professionals to continue the work Ambassador Mabandla started and to strive for a justice system that truly reflects the values of our constitutional democracy.

This milestone is a celebration of the resilience and determination of our people, and a reflection of our ongoing commitment to building a society founded on the principles of justice, equality, and human rights. Ambassador Mabandla's life and career are a testament to these principles.



We are profoundly grateful to you Ambassador and thank you, your husband and your children for allowing the country to take so much of your time and life in the effort to make ours better.”

Her work has been instrumental in shaping the democratic South Africa we celebrate today. She has been a pioneer in advancing the rights of women and marginalized communities, ensuring that the judiciary is more inclusive and representative of our diverse society. Her efforts have paved the way for many women to follow in her footsteps, contributing to the transformation of the legal profession and the empowerment of women within the judiciary.

As we honour Ambassador Mabandla by renaming the Justice College, we are also reaffirming our commitment to the ideals for which she fought hard. We follow her lessons — recognizing the importance of continuous legal education and professional development in strengthening our judicial system and acknowledging the vital role that diversity and inclusivity play in achieving true justice and equality.

Renaming this College after this intrepid woman is a fitting tribute to someone who dedicated her entire life to the pursuit of justice and the betterment of society. It is an acknowledgment of her immense contribution and a reaffirmation of the values she espouses and lives by. As we celebrate this momentous occasion, may we be inspired by her example to continue working towards a just and equitable society for all.

I must warn you though that your country is not yet done with you. We will continue harvesting the pearls of wisdom that continue to flow from you. We heard you just now proposing that

schools should include gender justice in their curriculae. That is a simple and easy to implement yet brilliant suggestion in a country with serious problems of gender-based

violence and other gender related challenges such as ours; to arm the next generation whilst young against this scourge by teaching them about the critical importance of gender equality and justice in school. It is hoped that we are all paying attention.

We wish the Justice College success as it embarks on its revitalised campaign on the back of our icon's name. May it grow from strength to strength.

Thank you. ■

HAGUE FORUM ON DOMESTICE VIOLENCE



Deputy Chief Justice M M L Maya with the Secretary General of the Hague Conference on Private International Law DR C Bernasconi, with Constitutional Court Justice S Majied; Supreme Court of Appeal Justice C Mocumie, Ms K Oza from the University of Pretoria.

HAGUE FORUM ON DOMESTIC VIOLENCE

On 19 June 2024, Deputy Chief Justice Maya addressed the Forum on Domestic Violence and the Operation of Article 13(1)(b) of the 1980 Child Abduction Convention, in Sandton. For the first time, the HCCH convened representatives from all relevant perspectives to engage in an open, informal dialogue on the operation of the Child Abduction Convention within the context of domestic violence.



Deputy Chief Justice M M L Maya gave an address on the importance of the conference globally and for the African continent.



Deputy Chief Justice M M L Maya with the Secretary General of the Hague Conference on Private International Law Dr C Bernasconi and Supreme Court of Appeal Justice C Mocumie.



Constitutional Court Justice S Majied



Justice C Mocumie of the Supreme Court of Appeal addressing the Forum.



Delegates from across the globe gathered to discuss various areas of concern in the operationalisation of Article 13(1)(b) of the 1980 Child Abduction Convention in the context of Domestic Violence.



MEMORANDUM ON THE WIPO MASTERCLASS HELD IN NEW DELHI, INDIA FROM 7-9 MARCH 2024.

1. The President of the Supreme Court of Appeal, President Mahube Molemela and Judge of the Gauteng Division of the High Court, Pretoria, Justice Harshila Koooverjie attended the World Intellectual Property Organisation (WIPO) Masterclass on Intellectual Property (IP) adjudication which was hosted by the Delhi High Court, India, from 7 - 9 March 2024.
2. The WIPO Masterclass was organised by the WIPO Judicial Institute. Amongst its many roles, this Institute serves as an exclusive platform for judges who have adjudicated IP disputes to partake in intensive dialogues and share experiences pertaining to the modern challenges that courts encounter in resolving conflicts, especially the adjudication of patents infringement disputes.

3. The objective of the WIPO Judicial Institute is to strengthen judiciaries worldwide. WIPO provides the platform for transnational dialogues on IP for the judicial community globally and promotes an in-depth understanding of topics of relevance to IP. It also provides education and resources to IP judges on IP related treaties, laws and judicial decisions (IP decisions can be accessed on WIPOLex).
4. The WIPO Masterclass hosted by the Delhi High Court was the fourth Masterclass sponsored by WIPO, the other three having been previously held in Munich, Washington DC and Beijing since 2018. Our participation in the Masterclass provided us with an opportunity to participate in discussions on IP on the global front and was therefore highly beneficial. Having been exposed to the wealth of knowledge of leading IP jurists from various jurisdictions, we were able to benchmark our court system and processes.
5. The duration of the conference was three days and various topics were covered. About 35 delegates participated in the Masterclass; the delegates hailed from various countries, including Malaysia, Saudi-Arabia, India, Singapore, Nigeria, Portugal, Vietnam, Mexico, UK, Indonesia, Korea, Finland, Brazil, Germany, Latvia, Australia, USA and India. Some of the topics discussed in this Masterclass were:
 - 5.1 the manner in which IP matters are dealt with in the various jurisdictions;
 - 5.2 how administrative proceedings are dealt with vis-à-vis judicial proceedings; the type of courts that deal with IP matters in the respective jurisdictions; whether the countries were active in ADR (alternative dispute resolution) of IP disputes and the kind of IP disputes that are susceptible to be resolved through ADR;
 - 5.3 to what extent and when foreign authorities and case law can be applied in one's own domestic jurisdiction;
 - 5.4 the current issues in patents and how courts adjudicate patent disputes. Comparisons were drawn from the different jurisdictions by way of reference to case law;
 - 5.5 the territoriality of IP rights: this included discussion as to whether courts in the respective jurisdictions can obtain evidence held outside the local territory. For instance, can the courts find infringement when part of the infringement act is undertaken outside the local territory (whether the courts could award damages for extraterritorial losses, for example loss of profit on sales the IP owner would have made outside the local territory); and whether the courts, in their respective jurisdictions, could grant interdicts/injunctions preventing acts outside the local territory;
 - 5.6 the innovative subject, namely what the participants' attitude is to AI (artificial intelligence) Generated Works and Inventions. Discussions centred around the authorship and inventorship in the AI Generated Works and Inventions; the unauthorised use of copy right and trade marks in the Metaverse; and intellectual property infringement by AI systems
6. The presenters on the different topics were experienced IP judges from the Federal Court of Australia, Court of Appeal of England and Wales, Court of Appeal of the Unified Patent Court, US Court of Appeals for the Federal Circuit, Washington DC, and several Judges of the High Court of Delhi.
7. The participation of Judges from South Africa in the Masterclass is important because South Africa is a signatory to various trade agreements, including the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS agreement). An extensive number of patents, trademarks and industrial designs are filed in South Africa, making a significant contribution to the GDP of the country. Furthermore, our Constitutional Court has handed down several landmark judgments, some of which were discussed with approval at various WIPO Judges Forums. Of relevance is that the Constitutional Court considered both international law, foreign case law and the domestic law, in line with the imperatives of s 39 of our Constitution.
8. Despite the evolution of IP law in our country, our courts are unfortunately exposed to limited adjudication in IP law. It may be that many of these matters are being referred to private arbitration. This would be unfortunate as the arbitration awards in the said processes are confidential, which has an impact on the IP jurisprudence in our country.
9. The IP Division in the Delhi High Court promotes mediation as a dispute resolution mechanism. This effort is part of their broader strategy to streamline IP litigation and reduce court caseloads. It is however the patent cases that predominantly proceed to trial, apparently because of the necessity for technical expertise and in-depth analysis in adjudicating patent disputes.
10. Statistics shared with us showed that the Mediation Centre at the Delhi High Court settled half of its cases through the mediation process. Between 2022 and 2023, at least 1300 cases were instituted in the IP Division. We were advised that parties prefer to proceed to court on IP matters as they find it a more viable and cost effective mechanism than arbitration. We were also informed that the intention of the Judiciary of India is to set up more IP Divisions in High Courts for purposes of speedy adjudication of IP disputes.
11. All the participants were also taken on a tour of the Delhi High Court. We were all impressed by their state-of-the-art facilities and the resources dedicated to the judiciary in general. We were filled with envy and awe when we learnt that each Judge of the Delhi High Court is assisted by four law researchers. There is obviously a lot that the judiciary of South Africa can learn from comparable jurisdictions regarding the allocation of resources for the optimal performance of the judiciary.

12. In celebration of the International Day of Women Judges, WIPO published an article (published on 8 March 2024) featuring a few female participants, including President Molemela.
13. In conclusion, we emphasise that participating in the Masterclass was a singular privilege. We are grateful for the opportunity afforded to us and hope that WIPO will continue to extend similar support to other participants in the future. ■



PRESIDENT MOLEMELA AND JUSTICE KOOVERJIE



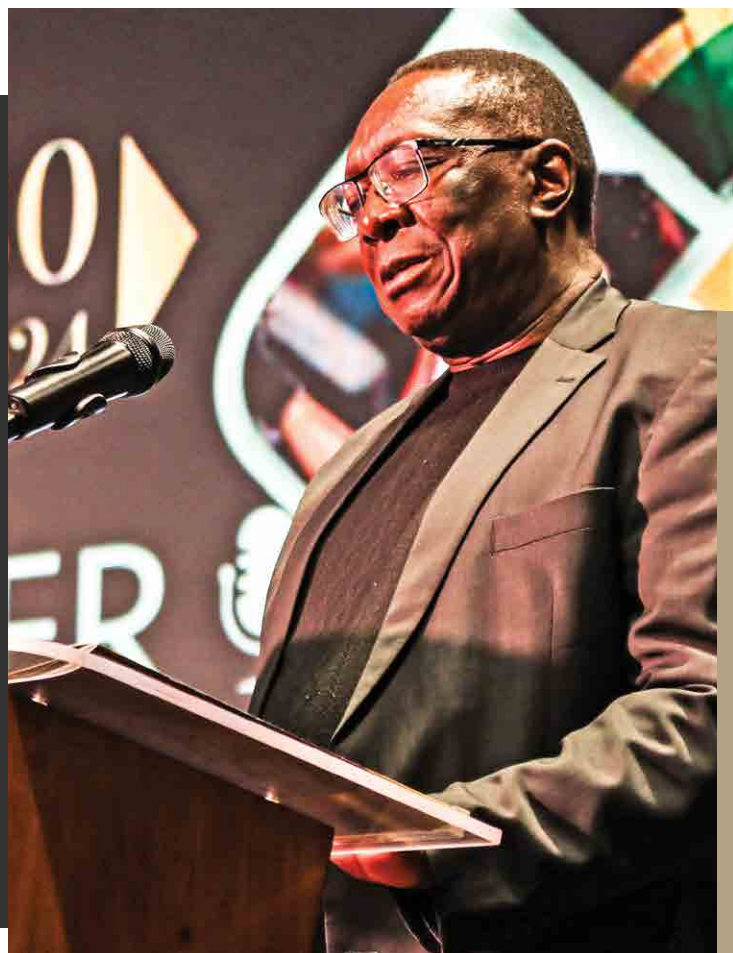
Delegates at the WIPO Masterclass on IP adjudication hosted by the Delhi High Court, India, from 7 – 9 March 2024.

WHERE IS SOUTH AFRICA HEADED IN THE NEXT 30 YEARS?

JUDGE PRESIDENT D MLAMBO

Judge President of the Gauteng Division of the High Court

THIS IS THE TEXT OF THE KEYNOTE ADDRESS DELIVERED BY **JUDGE PRESIDENT MLAMBO** AT THE **BLACK BUSINESS COUNCIL'S ANNUAL SUMMIT ON 29 APRIL 2024.**



We have just reached the 30-year milestone since dismantling apartheid and embracing a Constitutional democracy. And in this democracy the overarching focus is on overall transformation due to our troubled past. Economic transformation has always remained critical, and as you are all in that sphere, I congratulate the BBC for convening this Summit to take stock, in a sense to check if we have made any progress. I'm a jurist not an economist and my take is informed by that distinction.

The theme of this summit, is poignant – **"Political Economy 30 Years into Democracy – Where is South Africa Headed To in the next 30 years?"** Whilst it is opportune to reflect about intricacies of policy and legislation, it is socio-economic transformation that must take centre stage in such engagements because it is integral to shaping the future of South African society.

It is prudent that when reflecting on the past 30 years, we must acknowledge the progress, if any, we have made regarding economic transformation, since the dawn of democracy in 1994. The dismantling of apartheid and the birth of a new democratic dispensation marked a significant milestone in our nation's history, paving the way for equality, justice, economic empowerment and transformation. However, it is equally important to acknowledge any failures and challenges that persist, particularly in the realm of socio-economic transformation and inclusive growth.

In 1994, the advent of a democratically elected government faced a complex situation characterised by total control of the economy by the white minority sector of South African society. It is also true that, at that time, South Africa boasted the most advanced economy on the continent, and yet black society was completely excluded from any meaningful role in that economy. We can all agree that the socio-economic impact of this exclusion cried out for immediate, pragmatic and sustainable programmes to address economic transformation.

In other words what we needed was meaningful economic transformation.”

Our newly established administration embarked on a path guided by an ambitious economic vision, often described as a pursuit of radical socio-economic democracy. Central to this vision was the Reconstruction and Development Plan (RDP), which aimed to achieve economic empowerment largely through wealth redistribution. The RDP was conceived as a comprehensive socio-economic strategy aimed at tackling poverty and inequality concurrently.

In 1999, the RDP was replaced by a macroeconomic strategy known as GEAR (Growth, Equity, and Redistribution), which prioritised investment before the presumed redistribution of

wealth. However, GEAR encountered difficulties in meeting its goals for growth and employment. Challenges included the education system's inability to produce skilled workers, the government's slow implementation of privatisation initiatives, and restrictive labour market laws, all of which impeded economic and employment expansion. It could be argued that GEAR's economic impact resulted in underwhelming development outcomes. I leave that up to you as the more knowledgeable in this field.

GEAR was eventually complemented by the National Development Plan (NDP) which places the Constitution of the Republic of South Africa at its core and recognises it as the foundation for ushering in a qualitatively different democratic state. The Constitution set in its preamble long-term goals for the country that include, among others, acknowledgement of the diversity that exists among South Africans, the constitutional commitment to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights, and to improve the quality of life for all citizens and free the potential of each person. The NDP was therefore conceived to give flesh to this vision with its primary goal being to eliminate poverty and reduce inequality by 2030.

According to the National Development Plan Vision 2030, three priorities were set: (1) raising employment through faster economic growth, (2) improving the quality of education, skills development and innovation, and (3) building the capability of the state to play a developmental, transformative role on all levels of government. I'm one of those who believe that, notwithstanding this vision, it was immediately realized that South Africa would not meet the targets set out in the NDP by 2030. The whole concept had the hallmarks of an aspirational milestone.

It was clear very early, that certain critical socio-economic matters remained unattended – the snail's pace of addressing the land question, especially dispossession, issues of colonial and apartheid spatial dynamics in our towns and cities that affect the life chances of the majority, the poor, in the most unequal society in the world. We have urgent business from the more recent past too, the cancerous spectre of corruption, maladministration, theft of state resources and non delivery of services.

Here we are, 30 years after we embraced a constitutional democracy — and I pose the question: Taking account of all our efforts as a nation to address the challenges we faced then, have we achieved any success and are there any lessons to take to the next 30 years.

This question necessitates a critical examination of the policy and legislative instruments that govern our political economy, and their impact on the broader socio-economic landscape of South Africa.

I choose to focus my remarks on four particularly stubborn holdovers or economic fault lines that continue to divide and impoverish black society.

My views are shaped by what I have observed and experienced as a Head of Court and a judge for more than two decades and the matters we have dealt with in our Courts since the dawn of democracy. When I accepted the invitation to speak, I was immediately alive to how politically charged this environment is and it is not my intention to be deliberately controversial. I'm not one to sugar coat important issues. Another 30 years down the line we will still achieve nothing, if we ignore why we went wrong and what we should do to succeed. I'm focussing on you as the BBC in all its formations and footprint.

1. SOCIO ECONOMIC TRANSFORMATION

One of the cornerstone principles of our democracy is the pursuit of socio-economic transformation to redress the injustices of the past and to tackle structural inequalities to foster inclusive growth for all citizens. Central to this objective is the promotion of black economic empowerment (BEE) policies aimed at levelling the playing field and creating opportunities for historically disadvantaged individuals and communities.

Through measures such as preferential procurement, ownership schemes, skills development, and employment equity, BEE was conceived to create pathways for Black South Africans to access economic opportunities and build sustainable wealth. BEE was meant not only to address past injustices but to also lay the foundation for a more prosperous and inclusive future.

However, despite its noble intentions, BEE has failed to achieve its objectives. I challenge the BBC and other likeminded formations, who profess to represent and advance black society's interests, to do an introspection about its own role impacting on the failures of BEE. I throw down the gauntlet and ask the question — could and should the BBC and others in its mould have done more to promote the success of economic transformation in general.

One of the most glaring reasons for the failure of BEE is the marginalisation and sidelining of properly qualified black professionals in key positions and the prioritisation of entrenched economic interests. In many instances, the benefits of empowerment initiatives have been limited to a narrow elite, failing to reach the broader population. Just take a drive through any township in this country and witness for yourself the abject conditions under which the majority still live. Growing numbers of the unemployed youth and decaying infrastructure. Additionally, bureaucratic inefficiencies and corruption have hampered the effectiveness of BEE programs, which undermines their impact on the ground.

To overcome these challenges and realise the full potential of BEE, we must adopt a multifaceted approach. Firstly, there is a need for greater transparency and accountability in the implementation of empowerment policies, ensuring that they benefit the intended beneficiaries rather than being exploited for personal gain. Moreover, efforts should be made to streamline bureaucratic processes and eliminate regulatory barriers that impede the participation of Black-owned businesses in key sectors of the economy. Additionally, investing in education and skills development is crucial to equipping individuals with the tools they need to thrive in a competitive marketplace.

Addressing these structural inequalities requires targeted interventions in education, healthcare, housing, and job creation, coupled with progressive policies that promote wealth redistribution and social cohesion.

2. SOCIAL ASSISTANCE

Perhaps the most significant initiative undertaken post-apartheid aimed at poverty alleviation is the establishment of an extensive, inclusive, and effective programme of social assistance. Over time the “reach” of the social grant system has been greatly extended. The consequence has been to give some substance to the core Constitutional values of human dignity and equality, and to advance the rights of vulnerable and marginalised communities. The social assistance programme has had a material impact in reducing poverty and inequality, and in mitigating the consequences of high levels of unemployment. It is an achievement of which South Africans can be justifiably proud.

However, whilst the social assistance program has undoubtedly been a significant achievement in going some way to mitigating poverty, its implementation has not been without challenges. The SASSA social grants crisis, which culminated in a Constitutional Court hearing and multiple judgments, exposed vulnerabilities and inefficiencies within the system responsible for delivering these vital grants to millions of South Africans. This crisis, a matter of grave national importance directly implicating the constitutional obligation to provide social grants to a third of the population at the time, represented a drawback that tarnished the otherwise commendable efforts of the social grant system. The events surrounding the SASSA crisis served as a stark reminder that even the most well-intentioned and impactful programs/policies can falter without robust governance, effective oversight, and an unwavering commitment to upholding the rights of the most vulnerable members of society.

As one of the key drivers of socio-economic transformation, it is imperative that the social assistance programme be stabilised and in considering how we achieve this it is perhaps necessary to consider this key question — given the limited scope of South Africa's current social protection model focused on targeted, means-tested

grants, what kinds of comprehensive economic reforms and paradigm shifts are required to bolster a more radical, multidimensional transformation of economic structures, productive capacities, and societal relations? What political, institutional and ideological barriers need to be confronted to enable such a transformation that fundamentally disrupts entrenched inequality and deprivation rather than just alleviating the worst outcomes?

In essence, the critical inquiry is how to transcend the existing social grant approach, which, while reducing income disparities to some degree, ultimately represents a fairly marginal intervention within a capitalist framework. What bolder policies and power realignments are necessary to facilitate the more utopian vision of radically restructuring and redistributing economic resources and relations in a more egalitarian and sustainable manner?

An important reminder about social grants is that they are not and cannot be a permanent solution to the poverty reality. They are short term and simply unsustainable. The social grant system is a measure of the growing inequality gap and poverty. Whilst the social grants programme afford us breathing space, we must find lasting solutions to the poverty and unemployment crisis. We must avoid a situation where the social grants programme establish permanent dependency and we become a welfare state.

The aim must be to empower every citizen through job creation, to be self sustainable.

As we contemplate these questions, we must chart a course that ensures the integrity and effectiveness of our social grants program. Strengthening oversight mechanisms, enhancing transparency, and leveraging technology to streamline processes are essential steps in this journey. Furthermore, fostering partnerships between government, civil society, and the private sector can unlock new avenues for sustainable funding and program delivery.

3. CORRUPTION

My third focal point is the cancer of malfeasance we have witnessed in this country. One of the past presidents of the BBC is quoted as saying — “The single biggest threat to our democracy is corruption”. You know him. Was he wrong?? I'll tell you this - Court rolls are inundated with matters dealing with malfeasance in the private sector and in Government. These matters transcend both criminal and civil contexts. The State Capture Commission of Enquiry shocked us with evidence of brazen malfeasance engaged in siphoning off, of government funds on a large scale. There are several other investigations and enquiries that have shocked us considering the staggering amount of government funds looted. Steinhoff is one example but there are others. The Executive has also established the SIU Tribunal whose main and only focus is the return of illegally

gotten funds, mostly from government coffers. In addition, the SIU Tribunal has a congested roll and were one to tally the funds at stake, we're talking billions. At the heart of the matters dealt with by the Courts, the Tribunal and other investigations — is the spectre of unlawfully awarded and non-compliant crooked tenders. The funds at stake go into billions. Am I wrong to suggest that these funds could and should have been directed to addressing South African society's core needs, be it public health, public schools, road infrastructure, social assistance programmes etc. The BBC is fully aware of what I'm talking about.

We are also witnessing a growing contract killing tendency. Those involved in corruption have no compulsion in sourcing hitmen against those who are likely to blow the whistle on their activities. You would have heard the analysis, recently, by the Minister of police, when he mentioned cases in the Courts involving hired hitmen from KZN. Its not a laughing matter and unchecked this could emasculate the criminal justice system. Last week, an unknown man, standing at the entrance of the Johannesburg High Court, was seen brazenly filming a Judge and his vehicle, as he drove into the Court precinct. The Judge happens to be at a critical stage of a criminal case involving multiple accused persons. Was this intimidation? What business does anyone have in filming a Judge and his vehicle in full public view.

LAND REFORM

I cannot conclude without briefly talking about land reform because it must surely be another barrier to socio-economic transformation, equity and justice. Land reform has proceeded very slowly in South Africa since the end of apartheid in 1994. The government's original target was to redistribute 30% of agricultural land to African ownership by 2014, but by late 2009 only about 5% of the 24 million hectares earmarked for redistribution had actually been transferred. Part of the problem was that in the early 2000s, efforts became side-tracked into increasing black economic empowerment in the agribusiness sector rather than focusing on land restitution for smallholder farmers.

Land reform also faces a dilemma in that it is an issue laden with historical symbolism around justice and reparations, while simultaneously having very pragmatic implications for sustaining national agricultural production and food security, especially as a net food exporter. South Africa is currently at risk of being unable to maintain adequate levels of commercial food production. Reconciling land redistribution with these economic imperatives further complicates the design and implementation of land reform projects.

In navigating these complexities, one avenue to expedite land reform and ensure its success lies in adopting a multifaceted approach that integrates social, economic, and institutional strategies. Strengthening support mechanisms for emerging farmers, such as access to credit, technical assistance, and

market linkages, can enhance their chances of sustainable livelihoods. Furthermore, fostering partnerships between government, civil society, and private stakeholders can harness collective expertise and resources towards more effective implementation of land redistribution programs. Embracing innovative land tenure models, such as communal land trusts or cooperatives, could also empower communities to manage land resources collectively while promoting socio-economic development. Additionally, investing in comprehensive land administration systems and capacity-building initiatives can streamline land registration processes and address tenure insecurity, laying the groundwork for long-term stability and prosperity.

THE WAY FORWARD

In closing, when considering the mammoth task ahead of us, it is worth mentioning that the current national state of South Africa's economy can only be altered through timely interventions by formations like the BBC. I don't see what prevents the BBC and other like-minded formations from playing an effective watchdog role on the economic transformation front. We have examples of other formations that have been very active in interventions, either through litigation or as a lobby group to challenge, expose and eliminate malfeasance and strengthen government's hand at combatting malfeasance and in implementing sustainable programmes to advance economic transformation. The failure of BEE must be acknowledged. The time for excuses has long gone. Formations like the BBC must own the challenge and be decisive in crafting and implementing pragmatic strategies.

There is need of a coordinated programme of action that has identified all the fault lines and has the buy in of all relevant role players. You cannot, as the BBC be comfortable that you convene summits but follow up with no discernible and implementable programmes.

Fostering partnerships between the public and private sectors is essential to drive meaningful change and unlock new opportunities for economic empowerment. By working together, we can leverage the resources and expertise of both sectors to create innovative solutions and address systemic challenges. Moreover, promoting entrepreneurship and small business development can serve as a catalyst for economic empowerment, empowering individuals to create their own opportunities and contribute to the growth of the economy.

Prioritising investment in education and skills development should emphasise the cultivation of innovative, courageous and empathetic leaders. Additionally, swiftly addressing instances of inadequate leadership, subpar productivity, performance issues, and corruption is essential to create an environment conducive to the successful implementation of current policies.

As we contemplate the trajectory of South Africa's political economy over the next thirty years, it is essential that we harness the collective wisdom, expertise, and ingenuity of all

stakeholders, including government, the private sector, civil society, and academia. Collaboration and partnership will be key to driving meaningful change and realising our shared vision of a prosperous, equitable, and inclusive society.

The road ahead may be fraught with challenges, but it is also brimming with potential and promise. As we reflect on the past three decades and look towards the future, let us draw inspiration from the resilience and determination of the South African people, who have overcome adversity time and time again. Together, let us seize this moment as an opportunity to chart a bold and transformative course for our nation, guided by the principles of justice, equality, and solidarity.

We must confront the structural inequalities that continue to perpetuate socio-economic exclusion and marginalisation. The legacy of apartheid has left deep scars on our society, manifesting in disparities in income, education, and access to basic services especially energy, public health and transport.

Let's all acknowledge that economic development and growth, succeeds only if it manages to harness the energies of both the public and private sector. Job creation and poverty alleviation is a function of a growing GDP. This is a model embraced by successful economies such as South Korea, Japan and Singapore, to name a few.

I leave with the words of Frantz Fanon - Each generation must out of relative obscurity, discover its mission, fulfil it or betray it." ■



The Black Business Council (BBC) held its Annual Summit on 29 April 2024.

100 YEARS OF WOMEN IN LAW COMMEMORATIVE EVENT



100 YEARS OF WOMEN IN LAW

The South African Women Lawyers Association (SAWLA) hosted a ceremonial sitting to celebrate 100 years of women in law. In this sitting, SAWLA also honored the appointment of Judge President S S Mphahlele as the first woman to hold the position of Judge President in the Mpumalanga Division of the High Court.



THIS CEREMONY CAN BE VIEWED ON JUDICIARY RSA ON YOUTUBE.



Celebrant and the first female Judge President of the Mpumalanga Division of the High Court, Judge President S S Mphahlele



Delivering a keynote address, Judge L D Vukeya of the Mpumalanga Division of the High Court



Judge President S S Mphahlele and Ms B Mdluli, Chairperson of SAWLA Mpumalanga



L-R: Judge President S S Mphahlele with Acting Deputy Judge President T V Ratshibvumo and Judge B A Mashile



Delegates from South Africa, Justice R Mathopo of the Constitutional Court of South Africa (left) and Justice Y Mbatha of the Supreme Court of Appeal.

REPORT ON THE SIFOCC MEETING: 20–21 APRIL 2024, HELD IN DOHA, QATAR

Justice Yvonne Mbatha

Judge of the Supreme Court of Appeal,
Bloemfontein

INTRODUCTION:

SIFoCC stands for The Standing International Forum of Commercial Courts. Its membership currently stands at 57, and South Africa is one of their new members. The new members besides South Africa were Malawi, Swaziland, and Botswana. Representation extends over six continents. Participants included about eleven Chief Justices, Presidents of various courts, and judges from multiple jurisdictions. The meeting was hosted by the Honourable Lord Thomas, who was very excited to receive the South African delegation. South Africa is considered the significant economic state in Southern Africa, and they were excited to have it on board. Lord Thomas heads the Commercial Court of Qatar. It is interesting to note that the court is operated mainly by foreign jurists, mostly from the UK and other Countries. Amongst the judges of that court, our former esteemed colleague, Fritz Brand, is a member of that commercial court.

The main objectives of the International Forum are to promote the sharing of best practice ideas in commercial dispute resolutions, support the rule of law, and help developing countries in their work in resolving international domestic disputes. This cooperation strengthens relationships across the spectrum.

DISCUSSIONS:

Four themes were extensively debated. The meeting was in the form of a dialogue, not the type where papers are delivered. Brief addresses were given by the speakers assigned to take delegates through the various topics for strictly five or ten

minutes and these were followed by discussions. I loved the various small-size screens used around the roundtable, besides the main screen, as they made you feel as if the speaker was engaging directly with you.

A. Theme One: Artificial Intelligence in handling and resolution of disputes:

1. Artificial intelligence is a branch of technology that aims to create machines capable of simulating human intelligence. This is all about creating machines that can think and behave like humans. AI is widely used in countries like Singapore, where it assists with document management. The UK also acknowledges it as a critical technological tool in dispute resolution.
2. Although the so-called developed countries promote AI for use in dispute resolutions, it is clear that it has not developed to the point that it can be used in the adjudication of court matters. The users need to have adequate skills to use the software, questions of admissibility of the AI-generated evidence need to be considered as well as issues of liability in the event of errors. ChatGPT is an AI tool that can discuss several topics, provide assistance, and offer recommendations.
3. Though countries like Singapore, India, Australia, and others have started using AI in their courts, it came out that, so far, it is used as a tool to assist judges privately in preparation for their hearings. It is only New Zealand who have developed regulations for the use of AI in their dispute resolutions. The protagonists, for its use, claim

that it can resolve disputes at the touch of a button, can augment human knowledge and can be used to dispose of minor traffic offenses.

4. The cons are that the introduction of AI will have an impact on the limited resources allocated to courts, it would depend on whether citizens would accept decisions produced by machines, it would require a skilled workforce, there is a risk that it could be used for human trafficking and that machines do not have emotional intelligence. The most interesting question came from a colleague from Botswana, who was concerned about to whom the appeal would lie. Another machine? This question remained unanswered.
5. Despite the challenges mentioned above, AI can significantly improve access to justice by expediting legal processes and increasing efficiency within the rule of law framework.

B. Theme Two: International Best Practices:

1. The topic involved various topics, including developing a relationship between commercial courts, arbitration and mediation. In multiple countries, mediation is used extensively. It is a judge who refers the case to mediation and not the parties. This has extensively reduced the backlog in their courts.
2. I learned that though arbitration services are available in other jurisdictions, they have well-established domestic and international commercial courts. In Zambia, the judge determines what is a commercial matter. It is not every insolvency or company law case that qualifies to be adjudicated by the commercial court. It is only complex matters or matters involving huge amounts of money that are referred to the specialised commercial courts. In New York, for example, it is strictly only international commercial disputes that are referred to such courts. These courts strive for efficient resolution of commercial matters. Commercial disputes, too, can be referred to mediation by qualified mediators, who must be familiar with court processes and be supervised by a referee, who in most cases is a judge.
3. The forum advocates for a collaborative approach to case management as it leads to a more efficient and effective dispute resolution process. The effect would be the reduction of protracted litigation. The collaborative approach to case management, which involves all stakeholders in a dispute resolution process, encourages information sharing and joint problem-solving. South Africa is on the same wavelength as other stakeholders as it has a case management system that is managed by a judge.

C. Theme Three: Corruption in Commercial Disputes:

1. The integrity of the commercial courts is of great concern to all the members of the forum. This has led to disputes being referred to arbitration, instead of the courts of

law. The forum believes that the courts should retain commercial work in the courts and most importantly that the orders of such courts need to be enforceable in every country.

2. South Africa widely uses arbitration and mediation services. These mechanisms offer confidentiality, efficiency and they reduce the potential for corruption. Arbitration in international commercial matters is regulated by the International Arbitration Act 15 of 2017. It recognizes the enforcement of arbitral awards in South Africa. This was hailed as a great step in the right direction by the forum members. The Act specifically pertains to arbitrations conducted in South Africa, with the high court overseeing arbitration proceedings within its jurisdiction. The Gauteng Division of the High Court, Johannesburg, serves as a designated court, where the seat of the arbitration is undetermined. This affirms South Africa's commitment to transparency and enforcement of arbitral awards.
3. Corruption in commercial disputes was raised as a concern too. South Africa has again taken proactive steps on this by introducing the Prevention and Combating of Corrupt Activities Act 12/2004 (the Precca). This Act prosecutes offences of corruption and bribery even if committed outside South Africa. Though corruption is rampant in the commercial sector, the robust approach adopted by South Africa gave comfort to the forum members.
4. South African courts too have affirmed the finality and enforceability of arbitration awards, as they do not tolerate attempts to appeal awards under the guise of review proceedings. International best practices highlight the importance of judicial transparency, accountability and integrity in commercial court proceedings.

D. Theme Four: Various topics:

1. Corporate responsibility and climate change issues: Climate change is a global issue as it requires that major international corporations comply with environmental regulations and laws in various countries. Corporations have a duty to respect human rights, by reducing their carbon footprint and contributing to the global effort to limit global warming. In certain jurisdictions, like the UK, in their judgments, the courts have recognised the need to consider the impact of climate change on the performance of long commercial contracts. There was emphasis on the need to include climate change-related risk clauses in commercial contracts. There are two leading cases in South Africa where multinational companies were held accountable for water pollution which compromised the lives of people. The most interesting development in South Africa was the introduction of the Climate Change Bill B9/ 2022, which addresses issues raised by international investment corporations and governments. This means that South Africa is recognising the impact of climate change on commercial disputes, that commercial contracts should include the relevant risk clauses and hold the corporations accountable.

2. Litigation funding:

We were addressed by various litigation funders. I got the impression that in other jurisdictions, such funding plays a huge role. I recall off hand that in South Africa we only had such funding for the miner's class action matter.

3. It was also highlighted that there must co-operation between various jurisdictions on the service of legal processes, taking of evidence and honouring of the bilateral treaties between the countries. The need for some homogeneous law on enforcement of international commercial judgments and awards was advocated for by the forum.

E. In conclusion:

It was resolved that:

1. There must be training and collaboration on Artificial Intelligence.
2. Courts need to show confidence to the corporate sector by showcasing what the commercial courts have achieved so far. This came up because members were not happy that most of the work ended up in arbitration.
3. That digital technical change needs to be embraced.
4. Various stakeholders to consider the advantages of using commercial courts and what role they can play in arbitration and mediation.
5. Improve cooperation between the international commercial courts.
6. All commercial courts focus on private law issues and not politics.

F. Observations:

Justice Mbatha noted that the AI revolution is at judiciary's doorsteps, and steps need to be taken by the South African judiciary to embrace AI in the courtrooms like various other judicial jurisdictions.

On the aspect of international commercial courts or specialized commercial courts, my personal observation was that we are lagging behind, particularly in the establishment of the international commercial courts or specialized commercial courts. This does not require that all commercial cases be handled by that court, but that each division should have judges who, when the need arises, be assigned those complex matters. On AI, I think it will take time before we fully embrace it. However, steps need to be taken to look at how countries like the US, Singapore, New Zealand, and a few others have done so far.

The sixth meeting will be held in November 2025. It is my opinion that the meeting needs to be attended by at least the Chief Justice or the President of the SCA as one of the delegates or both of them, as the issues that are discussed in the forum would need to be implemented in our courts. ■



Minister of Justice and Minister of State for Cabinet Affairs H E Ibrahim bin Ali Al Mohammadi; Chief Justice and President of the Supreme Judiciary Council of Qatar H E Hassan bin Lahdan Al Mohammadi with other dignitaries during the meeting.



OPENING OF CHATSWORTH MAGISTRATE'S COURT

JUDGE J I HENRIQUES

Judge of the KwaZulu-Natal Division of the
High Court

Opening of Chatsworth Magistrates' Court on
19 April 2024

On this august occasion, I wish to extend my thanks to the Deputy Minister of Justice and Constitutional Development for inviting me to deliver a message of support on the reopening of the newly renovated and refurbished Chatsworth Magistrates' Court. I recall making numerous court appearances at the Chatsworth Magistrates' Court during my tenure as a candidate attorney and subsequently, as an attorney and advocate.

It was noticeable at that stage, the number of people in queues waiting to gain access to the court and having to endure a lengthy wait to have their matters heard. It was further my personal experience that in view of the shortage of available courts and personnel, including civil magistrates to preside over the cases, invariably, matters were crowded out on the basis that they could not be accommodated. I, as well as other legal practitioners, had to return on subsequent occasions to have matters finalized. Needless to say such inconvenience, coupled with the cost factor deterred not only litigants but also witnesses from pursuing legitimate civil claims in hampering the administration of the criminal justice system as well.

It is commonly recognized that law and order is a fundamental pillar of a functional society. The administration of such law and order lies with the relevant administrative department and the courts. Society must have confidence not only in the functionality of the courts, but in having equal and open

access to same.

One of the fundamental tenets of our Constitution is a right of access to courts specifically recognized in section 34, which provides that 'everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.'

Access to justice is served and delivered to communities through the expansion and upgrading of courts, increasing the number of courts and court personnel, and the availability of appropriate support structures. Such access is enhanced by the modernization of our courts, equipping them with the ability to deal with members of the community in an efficient and expeditious manner.

Notwithstanding constitutional recognition that access to legal services is a legal right, the challenge posed in developing countries like ours with an expanding population, that is the vast majority still do not have access to courts, hence the continuing need for more such developments and enhancements of existing courts. It is indeed a historic day for the communities of Chatsworth, Shallcross, Umhlatuzana, Umlazi and the surrounding areas, as the Chatsworth Magistrates' Court, which served a number of communities over the years, is now better equipped to continue and improve services.

The extensive renovations and upgrades is a true sign and a reflection of the commitment to the advancement of basic human rights. It is a common observation in the judiciary that society in general has been losing respect for the courts and the administration of justice. It is heartening to see that even in circumstances where the public purse is constrained the right to justice is succinctly recognized.

On behalf of the judiciary, we are delighted and extend our sincerest congratulations to the Chatsworth Magistrates' Court, the relevant Departments of Public Works and Justice and Constitutional Development, and express the hope that the new court precinct reaffirms its commitment to serving members of the surrounding communities in restoring confidence in the justice system. As judicial officers, we extend our commitment to assisting all courts, including the Chatsworth Magistrates' Court, in any way we can.

The common goal is for all relevant departments to strive to work collaboratively to restore confidence in the justice system and to promote the constitutionally recognized right of access to justice. Today the opening of the refurbished and renovated Chatsworth Magistrates' Court has taken a positive step in that direction. Once again, congratulations to the various ministers, deputy ministers, departments and personnel who I have no doubt have worked tirelessly to make this a reality for the Chatsworth community and surrounding areas. I thank you. ■



The Chatsworth Magistrates Court boasts 7 new court rooms, of which three are District Courts, a Family Court, a Regional Court, an Equality Court and a Sexual Offences Court.



University of the Free State/Facebook

UPLIFTING WORDS FOR GRADUATES

Judge Nobulawo Mbhele
Deputy Judge President of the Free State
Division of the High Court

Deputy Judge President Mbhele gave a keynote address at the University of the Free State's Faculty of Law graduations which took place on 18 April 2024 in Bloemfontein.

Today marks a significant milestone in your journey, one that you and your loved ones have eagerly anticipated and tirelessly worked towards. As we gather here to celebrate the culmination of years of hard work, dedication, and perseverance, we reflect not only on the academic achievements that brought us to this moment but also on the profound impact our education will have on shaping the future.

To the graduating class, I extend my heartfelt congratulations. Each one of you embarked on this rigorous journey with a shared passion for justice, a commitment to uphold the rule of law, and a determination to make a positive difference in the world. Throughout your time in law school, you have been challenged, intellectually stimulated, and encouraged to think critically about the complex issues facing our society.

You have immersed yourselves in the intricacies of the law, honed your analytical skills, and embraced the values of justice, integrity, and service to others.

But today is not just about academic accomplishments; it is a celebration of the transformational journey you have undertaken. You have not only acquired knowledge but have also cultivated wisdom. You have not only mastered the intricacies of legal theory but have also embraced the responsibilities that come with the privilege of practicing law. But beyond the textbooks and case studies, our experiences

teach us invaluable lessons about empathy, integrity, and the power of advocacy. It is my wish and hope that you have learned to listen attentively, to advocate passionately, and to stand up for what is right, even in the face of adversity. These are the qualities that define not only exceptional lawyers but also compassionate human beings.

To borrow the words of Madeleine Albright, "Real leadership comes from the quiet nudging of an inner voice. It comes from realizing that the time has come to move beyond waiting to doing."

As we prepare to embark on the next chapter of our lives, let me share a bit of my own journey to this moment; I was in various leadership roles including the law students council, and one of the fulfilling experiences being the street law program at the University of the North - in Mankweng (Turfloop). There I had an opportunity to interact with and understand day to day problems confronting people in the street, I took part in educating the community/rights holders on matters of the law (basic principles of justice).

During my time doing articles, I also volunteered to organisations assisting rape victims in Phuthadithjaba, Qwaqwa. I also spent time with women, and traditional leaders doing legal assistance. As Mindy Kaling says, "Understand that one day you will have the power to make a difference, so use it well."

I can tell you how important this journey through public engagement and community work, starting a law firm and later, back in practice has given me life long experiences that continue to shape and mold me as a person, a citizen and judge.

The legal profession is not merely a vocation; it is a calling—a calling to advocate for those who cannot advocate for themselves, to uphold the principles of fairness and equity, and to strive for justice in all its forms.

But with this calling comes great responsibility. The decisions you make, both inside and outside the courtroom, will shape the lives of individuals, communities, and even entire societies. As guardians of the law, you must always act with integrity, humility, and empathy.

Of course, none of us reached this milestone alone. Behind every success story lies a network of support—family, friends, mentors, and colleagues—who have cheered us on, believed in us, and helped us navigate the challenges along the way. To them, we owe a debt of gratitude that can never be fully repaid.

As you bid farewell to this chapter of your lives and step into the unknown future that awaits, please do so with courage, optimism, and a steadfast commitment to making a difference. May you never forget the privilege and responsibility that comes with your education and profession.

I leave you with three lessons:

The first is resilience in face of hardship. The second is bravery to speak the truth. The third is embracing and harnessing passion. As graduates of Law, you have been equipped with the knowledge, skills, and ethical foundation to be agents of positive change in the world.

In the words of Justice
Ruth Bader Ginsburg: "Real
change, enduring change,
happens one step at a time."”

Each of us has the ability to effect change, YOU have the ability to effect change, whether it be in the courtroom, the boardroom, or the community at large. Use your knowledge, skills, and passion to champion justice, promote equality, and advance the common good.

Your journey doesn't end here. It is merely the beginning of a lifelong pursuit of excellence, justice, and service. Embrace the challenges that lie ahead with courage and conviction. Never stop learning, never stop growing, and never lose sight of the ideals that brought you to this moment.

As you leave this institution and embark on your respective paths, know that you carry with you the hopes and aspirations of those who have come before you. Make us proud, not only with your professional achievements but also with your compassion, your integrity, and your commitment to making the world a better place.

Congratulations once again, and I am proud to call you my colleagues. May your journey ahead be filled with purpose, fulfillment, and endless opportunities. And may the principles of justice, integrity, and compassion continue to guide you in all your endeavours.

Thank you. ■



CIVIL LITIGATION TRAINING FOR PROSECUTORS

JUDGE J I HENRIQUES

Judge of the KwaZulu-Natal Division of the High Court

Judge Henriques gave a message of support during the training of prosecutors in civil litigation by the Bar Council which took place on **17 May 2024**

As legal professionals despite our differing roles, we are all committed to upholding the law and seeking justice. However, the legal landscape is constantly evolving and it is our responsibility to stay informed and adapt to these changes.

Continuing legal education is essential to our profession. It allows us to stay current with the latest developments, refine our skills and enhance our knowledge. It enables us to provide better representation, more effective advocacy and higher quality legal services. In today's rapidly changing world, continuing legal education is no longer a nicety but a necessity. It helps us navigate the complexities of emerging areas of law, such as artificial intelligence, forensic science, cyber security and data privacy, to name but a few.

Moreover, continuing legal education fosters a culture of lifelong learning, critical thinking and professional development. ”

It allows us to share best practices, learn from each other's experiences and build a more cohesive and supportive legal community. Let us embrace the importance of continuing legal

education and commit to ongoing learning and growth. By doing so we will not only enhance our professional skills but also uphold the integrity and excellence of our profession.

Prosecutors play a crucial role in the criminal justice system and legal education is essential for your professional development. Apart from the responsibility of bringing criminal cases to court, presenting evidence and arguing on behalf of the State, prosecutors in my view, balance the pursuit of justice with the need to protect the rights of defendants and ensure fair trials. Given the sophistication of criminals and the ever-changing manner in which they flout laws and conduct their criminal activities it is necessary for prosecutors to remain updated on best practices and network with colleagues but to also stay abreast with the current changes in the law, new technologies and emerging issues. This will ensure that criminals are held accountable with the need to protect the rights of defendants and avoid wrongful convictions.

Prosecutors likewise have an ethical responsibility to courts, to presiding officers but also to each other. Their role, as I see it, is to seek justice and not merely convictions. You have the ability to contribute to the betterment of society, not merely by ensuring a conviction, but through thorough and diligent work.¹ It is important for prosecutors to keep in mind the core values of our Constitution, including the rights and freedoms enshrined therein whilst going about their duties. These values, rights, and freedoms should be guiding factors when attending to the

various duties, not only in the protection of the State's rights and interests in seeing that justice is done, but also keeping in mind the impact that the work you do has on individual lives, and most importantly, the duty that is owed to the court.

Unfortunately, there is a rise in unlawful detention and malicious prosecution cases. Both the decision to arrest or the decision to prosecute a matter has a serious impact on the lives of individuals, including their privacy and personal life, their families, their employment, and often on their mental and physical wellbeing, especially where these individuals, it turns out, are innocent. However, not only is the individual possible perpetrator impacted by the decision to prosecute or not, but also the victims, witnesses, and the greater public.² Through self-development and training sessions, such as this one, prosecutors are able to upskill and understand the impact that their work has within the South African society.

I thank the Bar Council, especially Ms Hemraj, Ms Shazi, and Mr Choudree, for being prepared to provide this pro bono training to the prosecutors. I hope that this partnership will continue into the future. This training will provide valuable insights to prosecutors in civil procedure. For many of you this will be new territory and a move out of your comfort zone, so to speak. The South African civil procedure has evolved since you graduated with your law degrees and there certainly have been a number of changes. This training will provide you not only with an opportunity to refresh your memories, and also brush up on long forgotten skills, but it will also provide you with new tools for your tool box, insights into the civil law and procedure, as well as new skills to remember and apply as you go about your work. I can only encourage you to take this opportunity to not only learn, but also absorb the information presented here, and to use this to benefit the work you do, as you serve this nation in an important role for society.

Today's training is intended to provide you with a good foundation in topics such as malicious prosecution, which goes to the core of the decision to prosecute, unlawful detention, civil and criminal procedure, as well as section **342A of the Criminal Procedure Act 51 of 1977**, to name a few of the topics on the training schedule.

The importance of training can be summed up as follows that it is³ "essential to maintain legal competence, uphold ethical standards, and effectively [prosecute matters]. It is a cornerstone of a successful legal career and ensures that lawyers continue to meet the evolving needs of their clients [in this instance the State is 'the client'] and the legal profession."

Put differently, training ensures that individuals are aware of the high standard of work that is expected of them in carrying out their duties.⁴

It is important that legal practitioners/prosecutors understand that training is "both a duty and a right".⁵ Prosecutors through self-development and training initiatives, as provided today, are able to ensure that they are up to date with the latest developments of the law, as well as litigation techniques, etc. Through training sessions and self-development prosecutors may be made aware of:⁶

- a. the principles and ethical duties of their office;
- b. the constitutional and legal protection of suspects, victims and witnesses;
- c. human rights and freedoms as laid down [in the various international human rights instruments and enshrined in the Constitution];
- d. principles and practices of organisation of work, management and human resources in a judicial context;
- e. mechanisms and materials which contribute to consistency in their activities."

I mention self-development, the reason is that once this training session, or any other training session that you attend, ends it is important for you to cement your knowledge, and gain further insights and keep up to date with the latest amendments and changes. I emphasise this point because it is expected of you, in terms of your Code of Conduct, to keep up to date.⁷ Zig Ziglar once said, "There are no traffic jams on the extra mile."⁸ Going this "extra mile" is easily achieved through research and reading. In addition, where the changes are significant, these should be shared with management and your colleagues, as this will strengthen the knowledge base of the prosecuting authority as a unit, capable of protecting the rights of the South African society and assisting the court in ascertaining the truth through the work that each individual undertakes in court.⁹

Training remains a life-long, or rather career long, endeavour.¹⁰ Not only is group training, such as that presented today important, but also self-development. It is important that prosecutors, like other litigants, keep up-to-date with the latest, not only in the criminal law and procedure, but also with the latest litigation techniques, etc. so as to better prepare not only for trial but to guide important witnesses, before the start of and during the course of trial. ■

¹E Fourie 'Constitutional Values, Therapeutic Jurisprudence and Legal Education in South Africa: Shaping our Legal Order' (2016) 19(1) PER / PELJ 1 at 2.

²PG du Toit & GM Ferreira 'Reasons for Prosecutorial Decisions' (2015) 18(5) PER / PELJ 1506 at 1507.

³Paraphrased from N Lee 'A Guide to Lawyer Training' The National Law Review 25 September 2023. <https://natlawreview.com/article/guide-lawyer-training> (accessed 2 May 2024).

⁴H Van As 'Legal Aid in South Africa: Making Justice Reality' (2005) 49(1) Journal of African Law 54 at 63 and 70.

⁵International Commission of Jurists (J Zeitune) International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors: Practitioner's Guide No 1 2ed (2007) at 170, setting out the Recommendation

No. R (2000) 19 of the Committee of Ministers to Member States on the role of public prosecution in the criminal justice system (Adopted by the Committee of Ministers on 6 October 2000 at the 724th

meeting of the Ministers' Deputies) recommendation no 7.

⁶Paraphrased from International Commission of Jurists (J Zeitune) International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors: Practitioner's Guide No 1 2ed (2007) at 170-171.

⁷NPA Code of Conduct' National Prosecuting Authority. <https://www.npa.gov.za/npa-code-conduct> (accessed 9

May 2024). Note also Minister of Police and another v Du Plessis 2014 (1) SACR 217 (SCA) paras 28-29.

⁸Z Ziglar 'The Extra Mile' Ziglar Inc. <https://www.ziglar.com/quotes/traffic-jams/> (accessed 9 May 2024).

⁹Minister of Police and another v Du Plessis 2014 (1) SACR 217 (SCA) paras 28-29.

¹⁰AW Hughey & KJ Mussnug 'Designing effective employee training programmes' (1997) 5(2) Training for Quality 52 at 52.



ELEVATING WOMEN THROUGH MENTORSHIP

Judge Nokuthula Sylvia Daniso
Judge of the Free State High Court

This is the text of an address delivered by Judge Daniso at the virtual induction ceremony on Advancing Women In The Workplace (AWW) on 27 May 2024.

Emphasizing that the guidance, invaluable support and skill development provided by Mentorship is an important pathway to a successful career and personal development she pointed out that Law is an honourable career. It is a profession for those who seek to make a positive impact on the pursuit of justice be it as a judicial officer, state prosecutor or a legal practitioner.

It is a highly demanding career. In addition to innate intellect, passion, diligence, and allegiance to the Constitution including the Code of Conduct of the respective professions, it requires a high level of integrity. She stressed that integrity is the cornerstone of the profession and a safeguard against unethical and professional misconduct.

In the 30 years of democracy there has been an impressive progression of women in Law combating the inequality relating to women's access to employment and career opportunities. Madam Justice Mandisa Maya is the first woman Deputy Chief Justice and the designate Chief Justice. She was also the first woman President of the Supreme Court of Appeal paving the way for another trailblazer, the eminent Madam Justice Mahube Molemela.

Before ascending to the Presidency of the Supreme Court of Appeal, Madam Justice Molemela was the first woman Judge President of the Free State High Court.

While we are seeing more women being appointed to leadership positions, juggling a highly demanding career with family responsibilities and biological factors which include child rearing can create a barrier on career advancement.

Through mentorship, the assistance in the management of the workload, setting of reasonable goals and providing constructive feedback goes a long way in achieving positive career goals. ”

Life-long relationships are formed with like-minded individuals, mentees are also exposed to networking opportunities whilst mentors get the opportunity to hone and develop their leadership skills. ■

RIVONIA TRIAL COMMEMORATION



Constitutional Court Justices, Justice S Majied and Justice J Kollapen.

60TH ANNIVERSARY OF THE RIVONIA TRIAL

The Ahmed Kathrada Foundation on 12 June 2024 commemorated the 60th anniversary of the 1964 Rivonia Trial at the Palace of Justice in Pretoria. The purpose of the commemoration was to reflect on the importance the Rivonia Trial holds for where South Africa is today, 30 years into the country's democracy. Justice Jody Kollapen of the Constitutional Court gave a keynote address at the commemoration.



Judge President D Mlambo speaking at the commemoration.



Constitutional Court Justice J Kollapen gave a keynote address at the commemorative event.



Family members of Rivonia trialists in attendance.



Family members of Rivonia trialists in attendance.



Revisiting a moment in history: members of the public during the commemorative event.

SUPERIOR COURTS OUTREACH

Various Superior Courts hosted law students, and pupils from their local universities and schools to introduce them to the court environment. The students got to experience live court proceedings and were given opportunities to interact with Judges, who shared words of motivation with them.

POLOKWANE HIGH COURT OUTREACH

Outreach forms an integral part of public engagement for the Judiciary and the Courts. Through these initiatives, members of the Judiciary engage various audiences, including law students in an effort to provide them with insights into the work of the Judiciary, and how courts operate on a daily basis.

On 30 April 2024 the Polokwane High Court hosted final year law students from the University of Limpopo. The students were welcomed by the Judge President of the Limpopo Division of the High Court, Judge George Phatudi, who is an alumnus and former lecturer of the University of Limpopo, formerly known as University of Turfloop.

In his address to the students, Judge President Phatudi spoke about the journey of his career from legal scholar to Judge.



Judge President George Phatudi of the Limpopo Division of the High Court took time out to engage with University of Limpopo law students at the Polokwane High Court.



Advocate Lucky Makgopa explained the role of an advocate in the court.



Law students from the University of Limpopo inside a court room during an outreach activity at the Polokwane High Court.



In remembrance of Youth Day, Rotary Adventures Into Citizenship visited the Western Cape High Court.

YOUTH DAY – WESTERN CAPE HIGH COURT HOSTS PUPILS



Acting Judge President Goliath and Acting Deputy Judge President Le Grange, both gave in depth insight into the workings of the legal system in SA and the court system.

MTHATHA HIGH COURT HOSTS WSU LAW STUDENTS

Giving back in a meaningful way, whilst imparting knowledge and possibly becoming an inspiration to others has become the pinnacle of success for judicial outreach.

On 8 May 2024 the Mthatha High Court hosted third- and fourth- year law students from the Walter Sisulu University. The outreach programme introduces students to court processes and the career opportunities available within Superior Courts.

Acting Judge President of the Eastern Cape Division of the High Court, Judge Zamani Nhlangulela, and the Acting Deputy Judge President, Judge Bantubonke Tokota, spent the day with the students enlightening them on the role of the Judiciary and the different types of matters Judges in the High Court preside over. The students were also given an opportunity to observe a civil matter case, which was presided over by Acting Deputy Judge President Tokota.



Law students from the Walter Sisulu University taking a tour around the Mthatha High Court precinct.



Acting Judge President of the Eastern Cape Division of the High Court, Judge Zamani Nhlangulela explaining the role of the Judiciary and the type of matters Judges preside over on a daily basis.



Acting Deputy Judge President of the Eastern Cape Division of the High Court, Judge Bantubonke Tokota, educated the law students about a number of court processes.

OLIEVENHOUBOSCH SECONDRY SCHOOL OUTREACH

"Do not let your circumstances determine your future", said Judge Lenyai addressing high school students at the Olivenhoutbosch Secondary School in Midrand, on 28 May 2024.

Moved by the surroundings of the school, Judge Lenyai addressed 300 students on the importance of investing in their education, and not allowing their circumstances dictate who they become. Relaying her own personal experience, she imploded students to not give up on their dreams and to nurture them by taking hold of any opportunities that may come their way.

The event was hosted by the Office of the Chief Justice's Health and Wellness Unit together with Cell C, which was relaunching their Take a Child to Work Day Initiative.



Judge M D Lenyai spoke to students at the Olivenhoutbosch Secondary School imploring them to focus on their studies.



Students from the Olivenhoutbosch Secondary School



JUDICIAL APPOINTMENTS & ACHIEVEMENTS

JUDICIAL APPOINTMENTS



Justice Z Carelse

Appointed as Judge President of the Land Court

As of 01 June 2024



Judge A Reddy

Appointed as a Judge of the North West Division of the High Court

As of 01 June 2024



Justice Bozalek LJ

Appointed as a Lecturer at University of Cape Town and as arbitrator in a dispute matter between Neutrog Biological Fertilisers versus Gromor (Pty) Ltd

As of 03 June 2024.

JUDICIAL RETIREMENTS



Judge T R Gorven

Justice of the Supreme Court of Appeal

Discharged: 21 April 2024



Judge H M Rabkin-Naicker

Judge of the Labour Appeal Court

Discharged: 14 May 2024



Judge Y S Meer

Acting Judge President of the Land Claims Court

Discharged: 31 May 2024



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IN MEMORIAM



Judge G G Hoexter

Title: Retired Justice of the Supreme Court of Appeal

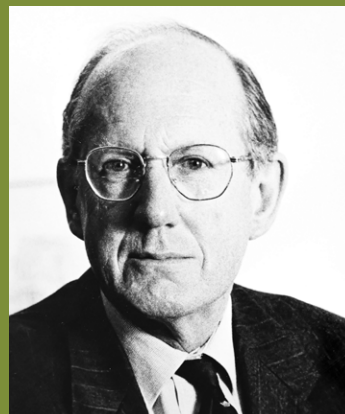
Passed: 12 April 2024



Justice J Y Mokgoro

Title: Retired Constitutional Court Justice

Passed: 9 May 2024



Justice L Ackerman

Title: Retired Constitutional Court Justice

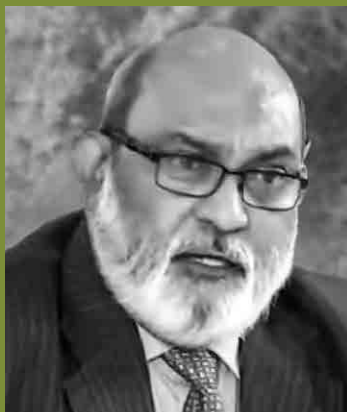
Passed: 25 May 2024



Judge N Van Der Reyden

Title: Retired Judge of the KwaZulu-Natal Division of the High Court

Passed: 12 June 2024



Judge S Gyanda

Title: Retired Judge of the KwaZulu-Natal Division of the High Court

Passed: 17 June 2024



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