



THE JUDICIARY

STATE OF THE NATION ADDRESS

HUMAN RIGHTS CONFERENCE

STRENGTHENING JUDICIAL RELATIONS

SOUTH AFRICAN LEGISLATIVE SECTOR INTERNATIONAL
OVERSIGHT SUMMIT

HEADS OF COURT MEETING



TABLE OF CONTENTS

- 02. State of the Nation Address
- 03 Chief Justice speaks at Human Rights Conference
- 05 Strengthening Judicial Relations
- 07 Legislatures should never be afraid to demand answers from the Executive
- 10 Heads of Court Meeting
- 11 National Efficiency Enhancement Committee meeting
- 12 Judge Mankge - lending a helping hand in her community
- 14 100 Years Celebration of Women in Law
- 15 Judicial Appointments
- 16 Judicial Bereavements

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FROM THE EDITOR

Dear Colleagues,

We are pleased to present to you the autumn edition of the Judiciary Newsletter. This edition offers highlights of Judiciary activities from the first quarter of 2024.

On 18 to 20 March 2024, the Department of Justice and Constitutional Development hosted the National Conference on the State of Human Rights, marking the 30th anniversary of constitutional democracy and human rights in South Africa. It was held under the theme "Three Decades of Respect for and Promotion of Human Rights". Chief Justice R M M Zondo was invited to speak at the conference and shared the stage with President C M Ramaphosa and the Minister of Justice and Correctional Services, Mr R Lamola, MP, among other dignitaries. Please see pages 2 and 3 for more on this.

In another significant event that took place during the first quarter of 2024, Chief Justice R M M Zondo, together with Justices from the Constitutional Court, hosted the Right Honourable Richard Wagner, P.C., the Chief Justice of Canada and two of his Colleagues, in a Judicial Exchange between the Constitutional Court of South Africa and the Supreme Court of Canada. This was a momentous occasion as it marked the development of bilateral relations between courts, and the Judiciaries of the two countries, in general. You can read about the discussions that took place during the Exchange on page 4.

On 30 to 31 January 2024, the South African Legislative Sector (SALS), a union of Parliament and nine Provincial Legislatures, hosted the South African Legislative Sector Summit. The Summit aimed to enhance the sector's effectiveness in oversight and adherence to the rule of law. Chief Justice R M M Zondo delivered a message of support at the Summit. You can read this message on page 6.



The last three months have also been a time of engagement in the ongoing efforts to improve the functioning of the courts and the Justice system as a whole. In this regard, the Chief Justice convened a meeting of the Heads of Court on 15 March 2024 to discuss pertinent matters relating to the efficient operation of the courts. A few days later, on 19 March 2024, the Chief Justice further convened a meeting of the National Efficiency Enhancement Committee (NEEC). The NEEC, established in 2012, is mandated to bring together, at the highest level, the leadership of the Judiciary and other key stakeholders in the Justice system, in order to enhance performance and outcomes in the delivery of quality justice. Please see pages 9 to 10 for more on this.

There are a few other interesting features to discover in this edition, including our regular announcements on judicial appointments and retirements. We trust you will enjoy reading the newsletter.

Until next time...

Judge President Thoba Poyo Dlwati

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



The Judiciary delegation that attended SoNA, led by Chief Justice R M M Zondo.



Chief Justice R M M Zondo and Deputy Chief Justice M M L Maya, leading the Judiciary procession into the SoNA

STATE OF THE NATION ADDRESS

President Cyril Ramaphosa delivered the State of the Nation Address (SoNA) on Thursday, 8 February 2024 at 7pm. The address took place before a joint sitting of the two houses of Parliament. The address is an important milestone as it brings certainty to the country's political, social and economic landscape. It demonstrates that South Africa's democracy remains robust. In the address, President Cyril Ramaphosa sets out government's key policy objectives and deliverables for the year ahead, flag challenges and outline interventions to unlock our nation's potential. The State of the Nation Address is one of the rare occasions where the three arms of State, namely the Executive represented by the President, Deputy President and Ministers; the Judiciary, represented by the country's Chief Justice and the Judges President; and the Legislature, represented by the Members of Parliament gather in one place. Chief Justice R M M Zondo led the Judiciary delegation at the SoNA held on 8 February.



The Judiciary procession, led by Chief Justice R M M Zondo, making its way into the joint sitting.

CHIEF JUSTICE ZONDO SPEAKS AT HUMAN RIGHTS CONFERENCE



President C M Ramaphosa, Chief Justice R M M Zondo, former Speaker of the National Assembly, Ms N Mapisa-Nqakula and Minister of Justice and Correctional Services, Mr R Lamola, MP, at the Human Rights Conference held in Kempton Park.

Amidst the backdrop of South Africa's commemoration of 30 years of Constitutional Democracy and Human Rights, Chief Justice R M M Zondo delivered an address at the opening day of the National Conference on Human Rights. Organised by Minister Ronald Lamola and the Department of Justice and Constitutional Development, this conference serves as a crucial platform for reflection and progress. Under the theme, "Three Decades of Respect for and Promotion of Human Rights," the conference brought together key stakeholders and government departments to assess the nation's journey

in advancing human rights since 1994. With a focus on critical objectives such as reflecting on the transformation of the judiciary, and judicial independence, Chief Justice Zondo's speech provided a commentary on the role and future of the judiciary in a constitutional democracy. ■

Photographs courtesy of GCIS



In attendance at the conference were, amongst others, President M B Molemela, the President of the Supreme Court of Appeal, Justices of the Constitutional Court and Heads of Court.



President C M Ramaphosa gave a keynote address.



Chief Justice R M M Zondo addressed attendees on the role of the Judiciary in a Constitutional democracy.



Minister of Justice and Correctional Services, Mr Ronald Lamola, MP, was the host and convener of the Conference.



The conference included members of civil society organisations and government departments.



STRENGTHENING JUDICIAL RELATIONS WITH CANADA

Chief Justice R M M Zondo, the Chief Justice of South Africa, had the pleasure of hosting the Right Honourable Richard Wagner, P.C., the Chief Justice of Canada and two of his Colleagues, in a Judicial Exchange between the Constitutional Court of South Africa and the Supreme Court of Canada.

The Judicial Exchange took place over two days, from 1 March 2024 to 2 March 2024, at the Constitutional Court in Braamfontein. The purpose of the Judicial Exchange, which was also attended by most of the Justices of the Constitutional Court, was to discuss matters of common interest in the administration of justice.

Among the key topics discussed during the Judicial Exchange were the Rule of Law, Judicial Independence with special reference to institutional independence, Judicial Accountability and Case Management.

The purpose of the Judicial Exchange, which was also attended by most of the Justices of the Constitutional Court, was to discuss matters of common interest in the administration of justice “

The Judicial Exchange also discussed possible future cooperation between the Canadian and South African Judiciaries with regards to the sharing of best practices in the exercise of judicial authority and the administration of justice■



Chief Justice R M M Zondo and the Right Honourable Richard Wagner, P.C., the Chief Justice of the Supreme Court of Canada (front centre) with delegates during the Judicial Exchange.



The Canadian delegation was taken on a tour of the Constitutional Court.



The delegations of the Constitutional Court and the Supreme Court of Canada exchanging knowledge and best practices.



Chief Justice Zondo presenting Chief Justice Wagner with a gift on the last day of the Exchange.



Chief Justice Zondo presented gifts to the other delegates from the Supreme Court of Canada.



LEGISLATURES SHOULD NEVER BE AFRAID TO DEMAND ANSWERS FROM THE EXECUTIVE

Chief Justice R M M Zondo

It is for me a special honour and privilege that the Speakers' Forum invited me to address this very important gathering, the South African Legislative Sector International Oversight Summit this morning and convey words of support from the Judiciary as one arm of the state to another arm of the state for the decision to hold this summit and reflect on the work you have done.

I had no hesitation in accepting the invitation from the Speaker of the National Assembly, Ms Nosiviwe Mapisa-Nqakula, and the Chairperson of the NCOP, Mr Amos Masondo, because it seemed to me that, when one arm of the state decides, as the Legislative Sector decided, — so close to the end of its term to have a gathering such as this to reflect on the successes and the challenges that they have gone through in order to prepare to do even better in the future, it is a good thing for the other arms of state to support and encourage such an initiative. I am, therefore, here to support this initiative and encourage it because we are not just coming to the end of the five-year term of the Legislative Sector in South Africa but we are also on the eve of completing 30 years of our constitutional democracy which is a very important milestone.

If you play your role fully and in accordance with our supreme law, you can ensure that the people are put first ”

In my view, when any country completes 30 years of constitutional democracy or of freedom, it is most appropriate for different sectors of society and, indeed, for the whole nation to reflect on what it has achieved, on what it has failed to achieve and to come up with clear strategies and plans on what it will do to do things differently in the future. South Africa is no different. Therefore, it is proper and fitting for the Legislative Sector to hold this summit.

When you reflect on the journey you have travelled, it is important to go back to the main function or mandate or purpose of Parliament and the Provincial Legislatures because the successes that you have

achieved and the challenges that you have gone through must be measured against your mandate or function or purpose. This is in line with the theme of your conference which says: “Striving for oversight that ensures the realization of a better life for all South Africans.” Indeed, the concept note of this conference suggests that there are areas where you want to explore doing things differently.

Parliament and the Provincial Legislatures are very important institutions of our democracy. Your main function is to make laws and to exercise oversight over the executive and to hold the Executive to account. You are the legislative arm of the state. You make laws that govern all of us. You make laws that must help grow the economy of our country. Indeed, you are entrusted with the responsibility of passing laws that can change the lives of millions and millions of South Africans for the better so that, because of your work, they enjoy a better life than before. In this regard may I remind all of us that in terms of the preamble to our Constitution part of the reason for our adoption of our Constitution was to “improve the quality of life of all citizens and free the potential of each person.” It was never to improve the quality of our own lives and those of our families and friends and not care about the rest of the people.

Although the responsibility to improve the quality of the lives of the people may fall on many, Parliament and the Executive have particularly important roles to play in that regard. As I said a minute or two ago, it is Parliament and the Provincial Legislatures which must pass laws that will ensure that the quality of the lives of the citizens is improved. It then falls on the Executive to implement those laws to improve the quality of the lives of the people. The Executive must also come up with policies and plans to ensure that the people lead lives that have dignity and that ensure that each and everyone’s potential is freed.

On an occasion such as this summit, which comes at this stage of our democracy, it behooves the Legislative Sector to ask themselves the question: Have we improved the quality of lives of the people? Did we do all we could to ensure maximal improvement in the quality of the lives of the people? How have we improved their lives?

There is no doubt that Parliament has, for example, passed many laws which provide a good framework for the improvement of the quality of the lives of the citizens. Many people would identify different laws that you have passed that they would regard as seeking to improve the quality of their lives. Some of the good laws Parliament has passed have not been implemented correctly with the result that some in society reject those laws as bad whereas there may be nothing wrong with the laws as such but the implementation may have been poor. In such a case the focus of the Legislative Sector should be on exercising proper oversight on the Executive in order to make sure that the laws are properly implemented so that the lives of the citizens may be changed for the better. Some of the well-known laws that Parliament has passed over the years that make a difference in the lives of many people are the

Labour Relations Act, Employment Equity Act, Basic Conditions of Employment Act, National Credit Act, Consumer Protection Act, the Land Restitution Act, the Skills Development Act and many others.

There can be no doubt that since 1994 our successive Parliaments have done very well in passing good laws. Your reflection at this summit on the laws you have passed is likely to culminate in you as members of the Legislative Sector patting yourselves on your backs. However, it would defeat the purpose of a summit such as this if you were only to reflect on the successes you have achieved and patted yourselves on the backs and went home but I know from the concept note of this summit that you will also reflect on the challenges that have confronted you in the execution of your mandate. Parliament and the Provincial Legislatures are constitutionally obliged to exercise oversight over the Executive and to hold it to account.

Where, therefore, the Executive has not implemented the laws made by Parliament and the Provincial Legislatures correctly, Parliament and the Provincial Legislatures are able to hold the Executive to account.

I have no doubt that you will agree with me that, while there are instances where Parliament has exercised proper oversight over the Executive and where Parliament has held the Executive accountable, there are also a number of instances where Parliament did not fare well at all. Indeed, there are instances where it failed to hold the Executive to account. It is not necessary to specifically mention those because they are well known. What is, in my view, important is that, by holding this summit, you have given yourselves an opportunity and a forum where you can be brutally honest about the challenges you have gone through and seek to find solutions so that in the fourth decade of our democracy and beyond those challenges will be defeated and you will improve the performance of your oversight functions because you need to remember that you do not perform those functions for yourselves but you perform them for the people.

You perform these functions for the voiceless, for those who are vulnerable, for those who depend on SASSA grants, for the homeless, the jobless and those whose hope is only you, the representatives of the people. This is something that you must always bear in mind when you seek to hold the Executive to account. When you demand answers from the Executive, you do so for those people and many others which is why you should, never, be afraid to demand answers from the Executive. That is why, if you belong to the governing party, the party and those Ministers you seek to hold accountable should embrace even those of the same party who may ask them some difficult and uncomfortable questions because they would be doing so in the execution of their constitutional obligations and on behalf of the people.

A summit such as this can make a big difference if it is approached with honesty, candor and a determination that, while we cannot change the past, we can learn from it and better prepare for the future which we can shape for ourselves and those who come after us.

There are many ways in which many people's lives have been changed positively over the years but there are still many people who lead lives with no dignity, who live in conditions of abject poverty and who continue to suffer every day. Parliament and the Provincial Legislatures have constitutional obligations to hold the Executive accountable for many of those challenges so that, as the preamble to our Constitution says, the quality of life of the people can be improved and everyone's potential freed.

Although members of the National Assembly are chosen by the political parties which nominate them to be members of the National Assembly, the Constitution says they are the representatives of the people. Therefore, you are required to put the interests of the people first in carrying out your functions — in carrying out your oversight duties and in holding the Executive to account.

As the Legislative Sector, particularly members of the National Assembly, you have a very big and important role in advancing our country or in helping to advance our country through the proper use of your oversight role and holding the Executive to account. If you play your role fully and in accordance with our supreme law, you can ensure that the people are put first, not only by yourselves but also by the Executive.

There is usually a temptation in a summit such as this one to want to come out with resolutions that deal with big and sophisticated issues but, in my view, it would be most appropriate for you to consider going back to the basics and attend to the basic needs of the people. Many people do not ask for big things. Many people want to have a job, want to be able to put food on the table for their children and families, want to have roads in their communities, want to have potholes filled in their neighbourhoods, want to have a clinic not too far from their homes where they will find qualified nurses. Many people want to go to hospitals where no patient sleeps on the floor, hospitals which have got the basic medication that people need.

Many people want their children to go to schools that have got qualified teachers, that have classrooms whose roofs do not leak when it is raining. Many people just want jobs so that they can work and support their families. Those people are entitled to look to you to properly exercise your oversight over the Executive and to hold the Executive to account. Many people see the amounts of money that are lost due to corruption and want to see the levels of corruption being brought down but they want you to exercise oversight and to hold the Executive

to account. I think you would do well to seriously consider exercising your oversight to ensure that the basic needs of the people are addressed. As the Head of the Judiciary, I encourage you to have a focus on the role you can play through your oversight to ensure that the people can get the basic needs.

As I conclude, Speaker and Chair of the NCOP, I wish to remind all present here today of what the Constitutional Court said through Chief Justice Mogoeng Mogoeng in the *Nkandla*¹ judgment about Parliament and its role in our democracy. The Constitutional Court said: “[22] Similarly, the National Assembly, and by extension Parliament, is the embodiment of the centuries-old dreams and legitimate aspirations of all our people. It is the voice of all South Africans, especially the poor, the voiceless and the least-remembered. It is the watchdog of state resources, the enforcer of fiscal discipline and cost-effectiveness for the common good of all our people. It also bears the responsibility to play an oversight role over the Executive and state organs and ensure that constitutional and statutory obligations are properly executed. For this reason, it fulfils a pre-eminently unique role of holding the Executive accountable for the fulfilment of the promises made to the populace through the State of the Nation Address, budget speeches, policies, legislation and the Constitution, duly undergirded by the affirmation or oath of office constitutionally administered to the Executive before assumption of office. Parliament also passes legislation with due regard to the needs and concerns of the broader South African public. The willingness and obligation to do so is reinforced by each member's equally irreversible public declaration of allegiance to the Republic, obedience, respect and vindication of the Constitution and all law of the Republic, to the best of her abilities. In sum, Parliament is the mouthpiece, the eyes and the service-delivery-ensuring machinery of the people. No doubt, it is an irreplaceable feature of good governance in South Africa.”

With this message I say to you, from one arm of the state to another, we support this summit and the reflections that you will have on the past in order to shape the future of all the people of South Africa. I wish you fruitful deliberations and a summit that will be a resounding success.

Thank you ■

¹ *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* (CCT 143/15; CCT 171/15)[2016] ZACC 11; 2016 (5) BCLR 618 (CC); 2016 (3) SA 580 (CC)(31 March 2016).



HEADS OF COURT MEETING

The Heads of Court meet quarterly to discuss matters that affect the Judiciary. On 15 March 2024, the leadership of the judiciary convened in Midrand.



Judge President D Mlambo and Judge President C Musi.



Judge President R Hendricks, Judge President P Tlaletsi and President of the Supreme Court of Appeal, Justice B Molemela.



Acting Judge President, Judge Y Meer and Acting Judge President Z Nhlangulela.



Judge President S S Mphahlele, Acting Judge President N M Manoim, and Judge President R Hendricks.



NEEC and stakeholder departments met with the leadership of the Judiciary.

NATIONAL EFFICIENCY ENHANCEMENT COMMITTEE MEETING

National Efficiency Enhancement Committee (NEEC) chaired by Chief Justice R M M Zondo, met on 19 March 2024. This is the committee that seeks to ensure efficiency at the courts is enhanced, and is comprised of stakeholders in the Justice, Crime Prevention and Security Cluster.



Chief Justice R M M Zondo, the Chairperson of the NEEC.



Heads of Court in attendance.



National Director of Public Prosecutions, Adv S Batohi, and members of the National Prosecuting Authority.



Judges President R Hendricks and P Tlaletsu.



NEEC Stakeholders

LENDING A HELPING HAND IN HER COMMUNITY

Judge T M Mankge

Mpumalanga Local Division, Middelburg Judges



In a world where vulnerability often goes unnoticed, Judge Mankge stands as a beacon of hope for the children of Middelburg Care Village. Recognizing the pressing need to support vulnerable children, Judge Mankge embarked on a heartfelt mission to guide young people away from being in conflict with the law.

The genesis of Judge Mankge's endeavor lies in her observation of the alarming rise in the number of children entangled in legal disputes within the courts of Mpumalanga. With a deep sense of responsibility and compassion, Judge Mankge joined forces with Middelburg Care Village to initiate a project aimed at providing guidance and mentorship to vulnerable children.

One aspect of this initiative involves engaging with boys aged 11 to 18, imparting essential knowledge on topics such as "Child in Conflict with the Law," "Basic Human Rights," and "South African Constitution." Through interactive sessions and discussions, Judge Mankge strives to equip these boys with the tools they need to navigate life's challenges and make informed decisions. An inspiring highlight of this effort was the visit of retired Judge President F. Legodi, who delivered a motivational talk on children in conflict with the law, leaving a lasting impact on the young minds present.

In addition to her work with boys, Judge Mankge dedicates her time to nurturing the girl children aged 6 to 11 at Middelburg Care Village. Engaging in activities such as assisting with school

Judge Mankge strives to equip these boys with the tools they need to navigate life's challenges and make informed decisions ”

homework, instilling values to prevent conflicts with the law, and teaching about basic human rights and general hygiene, Judge Mankge creates a supportive environment where the children can thrive and grow into empowered individuals.

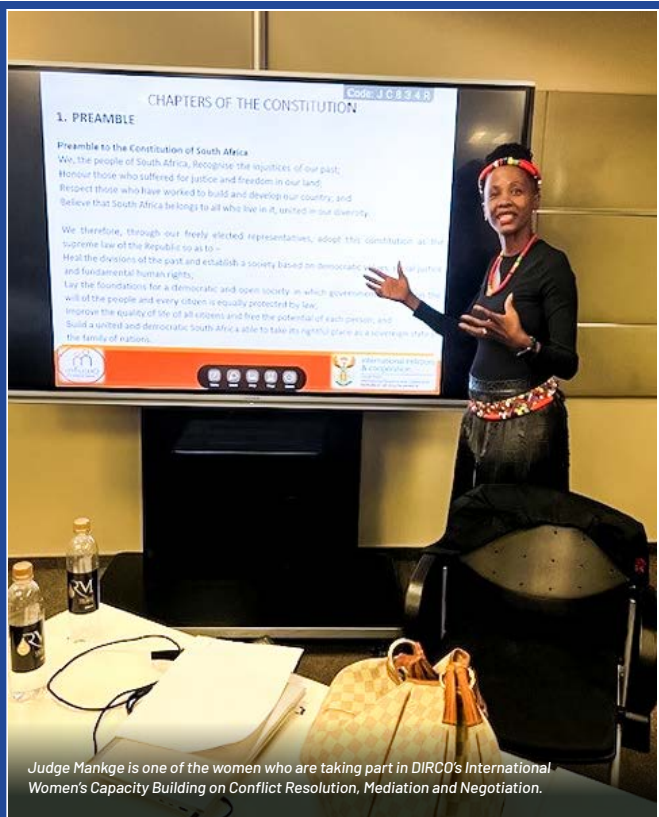
Judge Mankge's efforts serve as a testament to the transformative power of compassion and education. By investing in the lives of vulnerable children and empowering them with knowledge and guidance, she not only helps them navigate the complexities of the legal system but also paves the way for a brighter and more promising future. In a world often marked by adversity, Judge Mankge's unwavering dedication offers a glimmer of hope and a reminder of the profound impact one individual can have on the lives of many. ■



Retired Judge President F Legodi gave an inspirational talk to the boys of the Middleburg Care Village about 'Children in Conflict with the law', in December 2023



Judge Mankge participating in after school programme which provides homework assistance to the children.



Judge Mankge is one of the women who are taking part in DIRCO's International Women's Capacity Building on Conflict Resolution, Mediation and Negotiation.



On 1 March 2024, Judge Mankge took part in the latest African Conference hosted by DIRCO where she gave a presentation on the South African Constitution.



Judge President SS Mphahlele supported by Judges of the Mpumalanga Division of the High Court

100 YEARS CELEBRATION OF WOMEN IN LAW

The South African Women Lawyers Association (SAWLA) in Mpumalanga commemorated 100 Years of Women in Law, and honoured Judge President SS Mphahlele on 5 April 2024 at the Mpumalanga Division of the High Court, Mbombela.



Delivering a keynote address at the 100 years of women in law, Judge LD Vukeya of the Mpumalanga Division of the High Court



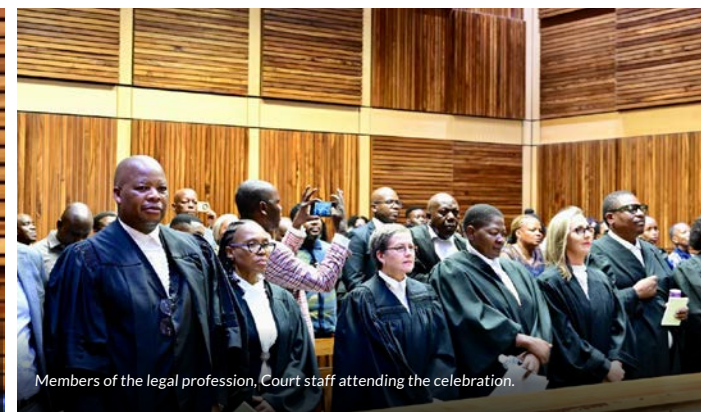
Adv B Mdluli, Chairperson of SAWULA in the Mpumalanga Province presented Judge President Mphahlele with a gift.



Judge President Mphahlele thanked women who are working tirelessly, fighting for the rights of women in South Africa.



The Speaker of the Mpumalanga Provincial Legislature, Ms Makhosazane Masilela, delivered a congratulatory message to Judge President SS Mphahlele on her appointment as the first female Judge President in the Mpumalanga Division of the High Court.



Members of the legal profession, Court staff attending the celebration.

JUDICIAL APPOINTMENTS



Retired Justice C N Jafta

Appointed as Member of the Judicial Conduct Committee.

As of 28 August 2023



Retired Justice J B Z Shongwe

Appointed as Member of the Judicial Conduct Committee.

As of 15 September 2023



Retired Justice K H Saldulker

Appointed as Member of the Judicial Conduct Committee.

As of 28 August 2023



Retired Judge President MF Legodi

Appointed as Chairperson of the Advisory Committee on the Criminal Procedure Reform Procedure.

As of 1 March 2024

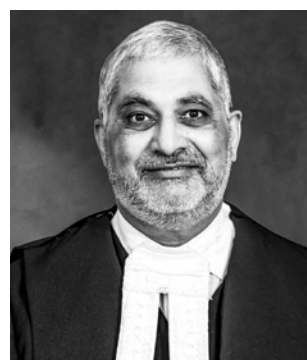


Retired Judge President B M Ngoepe

Appointed as Chairperson of the Chief Justice's Judicial Governance and Court Administration Advisory Committee.

As of 22 December 2023

JUDICIAL RETIREMENTS



Judge President, B Waglay

Judge President of the Labour Court and Labour Appeal Court.

Discharged: 16 January 2024



Judge A G Binns-Ward

Judge of the Western Cape Division of the High Court.

Discharged: 14 February 2024



Judge EJ Francis

Judge of the Gauteng Division of the High Court.

Discharged: 22 March 2024

IN MEMORIAM

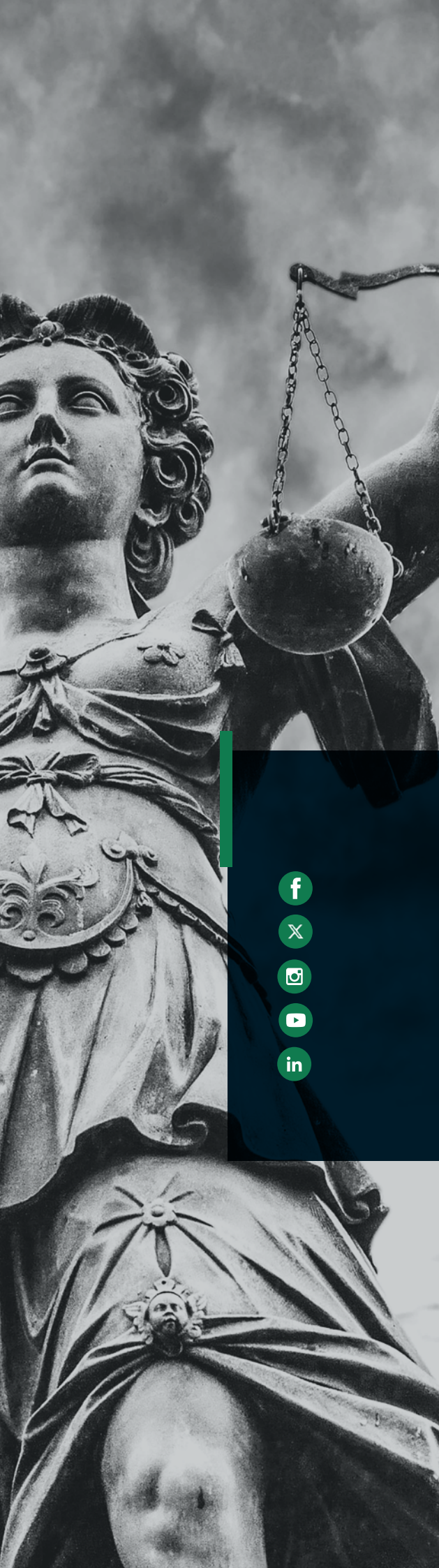


Judge D Van Reenen

Western Cape Division of the High Court.

Passed away: 23 November 2023





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