



THE JUDICIARY

CONGRATULATIONS CHIEF JUSTICE M M L MAYA

LAUNCH OF THE BRIGITTE MABANDLA ASPIRANT WOMEN JUDGES' PROGRAMME

CASE FLOW MANAGEMENT CONFERENCE

JUDICIAL OUTREACH: WOMANITY

DEPUTY PRESIDENT X M PETSE CELEBRATED





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FROM THE EDITOR

2024. Chief Justice Maya was appointed by President Cyril Ramaphosa following the President's consultation, in accordance with constitutional prescripts, with the Judicial Service Commission and the leaders of political parties represented in the National Assembly.

Chief Justice Maya has had an illustrious judicial career since she was first appointed as a permanent Judge of the Eastern Cape Division of the High Court in 2000. In 2006, she was appointed as a Judge of the Supreme Court of Appeal (SCA), a position she held until she was appointed Acting President of the SCA in 2016 - 22 May 2017.

Chief Justice Maya was elevated to the position of President of the SCA in June 2017, a position she held for five years. She was further elevated to the position of Deputy Chief Justice of the Republic South Africa when it became available in 2022. She held this position until August 2024, where after she was appointed as the Chief Justice and Head of the South African Judiciary. This is the first time in the history of South Africa that a woman leads the Judiciary, Halala MaRhadebe.

We wish Chief Justice Maya all the best in her new role and assure her of our full and unconditional support as she leads the Judiciary into a new future. ”

Judge President Thoba Poyo Dlwati

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

DEAR COLLEAGUES,

We are very happy to present to you this spring edition of the Judiciary Newsletter (although at times it feels as if we are still in the midst of winter!).

We publish this edition emerging from two very momentous events in the Judiciary. The first of these was occasioned by the retirement of the erstwhile Chief Justice R M Zondo, who hung his robes on 31 August 2024 after twenty-seven and a half years on the Bench. The Judiciary honoured retired Chief Justice Zondo in a Special Ceremonial Sitting of the Constitutional Court on 21 August 2024, the day on which the Chief Justice handed down his last judgment. The Executive, Parliament, the Judiciary and the legal profession also participated in this event. On the eve of the Special Ceremonial Sitting of the Constitutional Court, on 20 August 2024, a farewell dinner in honour of the Chief Justice was held. Once again, we thank former Chief Justice Zondo for his contribution in the leadership of the Judiciary and wish him a happy and restful retirement.

The second momentous event in the Judiciary in the last quarter was the welcoming of Justice Mandisa M L Maya into the office of Chief Justice of the Republic of South Africa on 01 September



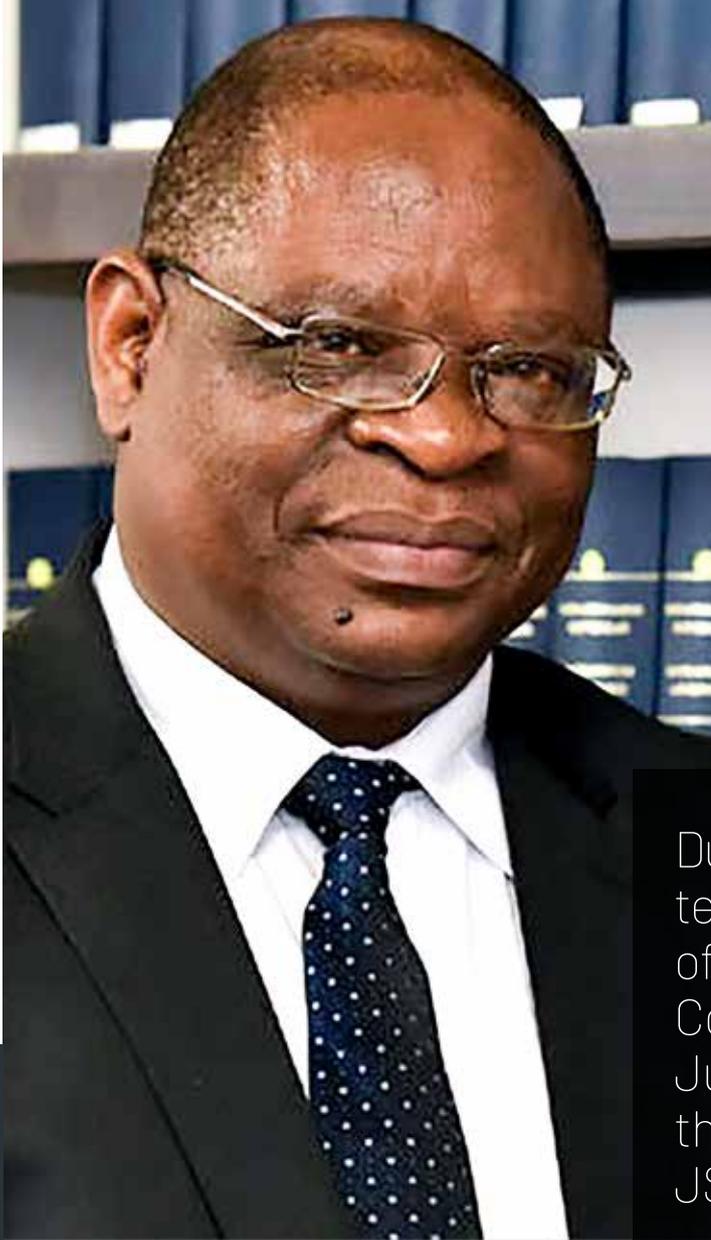
Congratulations

CHIEF JUSTICE MML MAYA

on assuming the office of
Chief Justice of the Republic
of South Africa

01 September 2024





CHIEF JUSTICE ZONDO HANGS UP HIS ROBES AFTER 27 YEARS ON THE BENCH

—
TRIBUTE BY THE JUDICIARY

During Justice Zondo's tenure as Chairperson of the Judicial Service Commission, Chief Justice Zondo changed the trajectory of how the JSC was functioning. ”

Chief Justice R M M Zondo hung up his robes in August, marking the end of a judicial career that has spanned twenty-seven and a half years on the Bench.

Justice Zondo was born in Ixopo, KwaZulu-Natal. He got his secondary and High School education at St Mary's Seminary at Ixopo, KwaZulu-Natal, where he matriculated. He studied law at the University of Zululand, University of Natal (now University of KwaZulu-Natal) and later at the University of South Africa. He holds the following degrees: B. Juris degree (University of Zululand), LLB degree (University of Natal), LLM degree (cum laude) in labour law (University of South Africa), LLM degree with specialisation in commercial law (University of South Africa) and LLM degree in patent law (University of South Africa).

Justice Zondo served his articles of clerkship under Mrs Victoria Mxenge before she was assassinated by apartheid agents. Justice Zondo practised as an attorney in Durban for many years before he was appointed as a Judge of the Labour Court in 1997. In April 1999 he was appointed as a Judge of the then Transvaal Provincial Division of the High Court. He served for close to eleven years as Judge-President of the Labour Appeal Court and Labour Court. His ten-year term of office as Judge-President ended in April 2010.

In 2012 Justice Zondo was appointed as a Justice of the Constitutional Court for a period of 12 years. In June 2017 he was appointed as Deputy Chief Justice of the Republic of South Africa. In January 2018 he was appointed as the Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, also known as the Zondo Commission. With effect from 1 April 2022 he was appointed as the Chief Justice of the Republic. For the past two and a half years he has led the Judiciary of this country with great success. His term of office came to an end on 31 August 2024. With Chief Justice Zondo's term of office coming to an end on 31 August 2024, it is appropriate to highlight some of his contributions to the Judiciary of this country when he occupied some of the positions he has occupied over the 27 ½ years on the Bench.

When Chief Justice Zondo took over as Acting Judge-President of the Labour Appeal Court in August 1999, a number of Judges of the Labour Appeal Court had left the Labour Appeal Court. The number of Judges of the Labour Appeal Court had decreased from six to two which meant that the Court could not even form the required quorum of three Judges. Judges Myburg, Froneman and Kroon had resigned and Justice Cameron was acting in the Constitutional Court. Judge Ngcobo had been appointed to the

Constitutional Court. Both the Judge-President and the Deputy Judge-President had left and it was left to Chief Justice Zondo as Acting Judge-President and later Judge-President to rebuild the Labour Appeal Court which he did successfully over the years.

As Judge-President of the Labour Appeal Court and Labour Court Chief Justice Zondo had also given many acting opportunities to women who were subsequently appointed to the Supreme Court of Appeal and the Constitutional Court. Chief Justice Zondo also ensured that there was serious racial and gender transformation in the Labour Court during his term of office. During Chief Justice Zondo's term as Judge-President of the Labour Appeal Court, judgments of the Labour Appeal Court which were taken on appeal to the Supreme Court of Appeal and the Constitutional Court were upheld.

From 2018 to 2022 Chief Justice Zondo led the State Capture Commission successfully and submitted to the President a six-Part Report in which he made various findings and recommendations. The importance of the State Capture Commission was highlighted by President Ramaphosa when he addressed the nation on 23 October 2022 to outline Government's response to the Commission's Report. On that occasion President Ramaphosa said:

This was no ordinary commission of enquiry. It was a commission whose work will have a lasting impact on our democracy and our country”

The President continued by saying "In conclusion, let me express, on behalf of the nation our profound gratitude for the dedication and wisdom with which Chief Justice Raymond Zondo led this commission."

In his speech at the National Anti-Corruption Advisory Council Summit in November 2023, the President had this to say about the Commission's work: *"Not only did the Commission lay bare the extent and depth of state capture, but it also presented the country with the means to both remedy the great harm caused by state capture and to create the conditions that would prevent its recurrence. Viewed overall, the recommendations of the State Capture Commission have provided the country with a clear way forward."*

As Chief Justice, Chief Justice Zondo and his Colleagues in the Constitutional Court tried various measures in order to address the problems of the delays in disposing of new applications and in the handing down of reserved judgments. One of these included the use of services of retired Justices of the Constitutional Court. Under the leadership of Chief Justice Zondo, the Justices of the Constitutional Court resolved that the way to address this problem was two-fold, namely, that a number of experienced lawyers should be employed by the State to provide professional support to the Justices of the Constitutional Court in disposing of new applications and that the Constitution be amended to allow panels

of three or so Justices of the Constitutional Court to dispose of new applications but appeals and other matters would still be heard by the Court sitting en banc.

When Chief Justice Zondo took office two and half years ago, the representation of women among the Heads of Court was very low. There were two women who were Heads of Court out of 14 Heads of Court. They were Justice Maya who was the President of the Supreme Court of Appeal and Judge President Monica Leeuw who was Judge President of the North-West Division of the High Court. Chief Justice Zondo publicly lamented this state of affairs at the time. However, during his term there was a dramatic increase in women who were appointed as Heads of Court. Altogether five women were appointed as Heads of Court. They are Chief Justice-designate Maya, Justice M Molemela (as President of the SCA) and Judges-President Thoba Poyo-Dlwati (KZN), S Mphahlele (Mpumalanga) and Z Carelse (Land Court).

In 2023 Chief Justice Zondo re-introduced the Aspirant Women Judges' Programme which had been initiated by former Minister of Justice and Constitutional Development, Ms Bridgette Mabandla, aimed at fast-tracking the training of women lawyers and magistrates to assist them to be ready for possible appointment as Acting Judges and later as Judges in order to advance the gender transformation of the Judiciary. Chief Justice Zondo named this programme the Bridgette Mabandla Aspirant Women Judges' Programme in honour of Ms Mabandla. A number of aspirant women Judges took part in that training last year. On 5 August 2024 Chief Justice Zondo launched the 2024 Aspirant Women Judges' Programme. About 20 candidates are taking part in that programme.

During his term of office Chief Justice Zondo defended the Judiciary whenever it was being unfairly attacked by, among others, politicians.

Chief Justice Zondo has also ensured that the Judiciary of South Africa in general and the Constitutional Court as the apex court in particular plays an active role in international bodies relating to legal and judicial matters. In this regard, Chief Justice Zondo attended the World Conference on Constitutional Justice in Indonesia where he ensured that the voice of South Africa was heard. He was also invited by the Chief Justice of Indonesia to take part at a conference celebrating 20 years of the existence of the Constitutional Court of Indonesia where Chief Justice Zondo also addressed the conference. Chief Justice Zondo also attended earlier this year the G20 Chief Justices' Forum in Brazil. This is a gathering of the Chief Justices of G20 countries where the Chief Justices discuss matters of mutual interests.

Chief Justice Zondo also continued to be a member of the Executive Bureaux of the Conference on Constitutional Jurisdictions of Africa (CCJA). In this regard he attended, a few months ago, a meeting of the Executive Bureaux in Morocco. Chief Justice Zondo has also ensured that the Judiciary of South Africa is represented at a meeting of the BRICS Forum of Chief Justices.

When Chief Justice Zondo presented to the public the Annual Judiciary Report on Judiciary Day on 26 July 2024 in respect of the 2022 / 2023 financial year, he stated that the Courts had met 85% of the annual performance targets that they had set for themselves. He disclosed that there were only two performance targets that they had failed to achieve. One was reducing the backlog to 30%. The other was that the Constitutional Court had performed up to 55% where it had set for itself the performance

target of 70% which related to the finalisation of matters it had at the beginning of the financial year.

Chief Justice Zondo has contributed immensely to the development of South Africa's jurisprudence. The many judgments he has penned are a testament to this. In their comments to the Judicial Service Commission on Justice Zondo's nomination for appointment to the Constitutional Court in 2012, the General Council of the Bar had this to say about his contribution to this country's labour law jurisprudence:

The candidate's contribution to developing our labour law jurisprudence is probably unsurpassed by any other judge when regard is had to the status of the candidate's pronouncements as a member of the Labour Appeal Court, and many courts have followed approaches first pronounced by the candidate.”

In order to end the backlog in the work of the Judicial Conduct Committee (JCC) – which adjudicates or processes complaints against Judges, Chief Justice Zondo has proposed the amendment of section 8 of the Judicial Service Commission Act, 1994 so as to allow the appointment of many Judges as additional members of the JCC who would focus on dealing with complaints and with appeals so that the workload of the JCC will be shared among many members of the JCC.

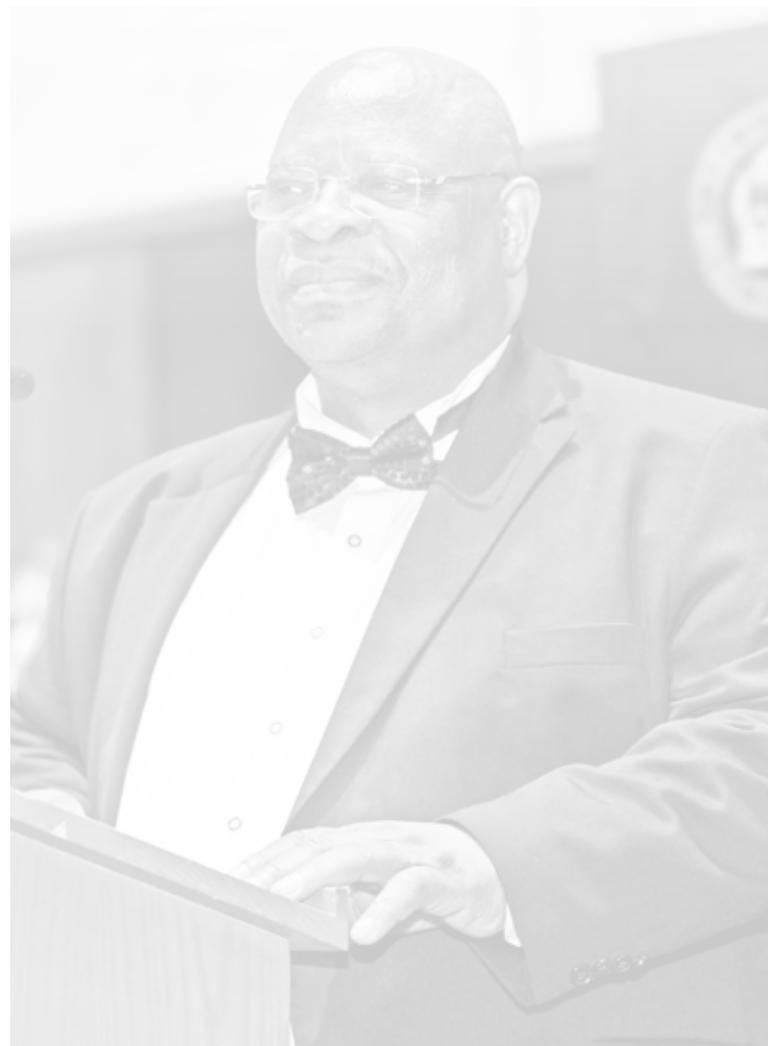
During Chief Justice Zondo's term of office, the Judiciary and the Ministry of Justice and Correctional Services engaged in consultations so as to reach agreement on the criteria to be met in the appointment of Acting Judges in all Superior Courts except the Constitutional Court.

Soon after his appointment as Chief Justice, Chief Justice Zondo led the Judicial Service Commission (JSC) in a process in terms of which selection criteria for candidates for appointment as Judges which the JSC had adopted in 2010 were revisited, revised and significantly improved in order to address a complaint that was made that the JSC had no selection criteria it was following when interviewing candidates.

During Justice Zondo's tenure as Chairperson of the Judicial Service Commission, Chief Justice Zondo changed the trajectory of how the JSC was functioning. Candidates who appeared before the JSC were treated with respect and with dignity. In this regard Judges Matter remarked "This yielded some success, as seen in the gradual improvement of the quality of the candidates who made themselves available for appointment to judicial office. It no doubt also enhanced the credibility of the JSC for the future."

The South African Judiciary wishes Justice Zondo well as he begins a new chapter of his life. We salute you for an outstanding career and selfless service to the nation! ”

Mthiyane
Sokhulu
Sohlaza
Skhangane esakhanga
amadoda
Ndaba
Sobotshane
Luvuno
Nqoboka
Mzwili ”





Chief Justice R M M Zondo giving the keynote address at the dinner held in his honour.



Retired Chief Justice Mogoeng Mogoeng paid tribute to his friend, Chief Justice R M M Zondo, at the dinner.

THE JUDICIARY BIDS FAREWELL TO JUSTICE R M M ZONDO

On 20 August 2024, the South African Judiciary hosted a farewell dinner in honour of Chief Justice R M M Zondo. The ceremony marked the end of a judicial career that spanned twenty-seven and a half years on the Bench.



Deputy Chief Justice M M L Maya with Chief Justice R M M Zondo



Justice N Kollapen gave the vote of thanks at the farewell dinner



Constitutional Court Justices presenting a farewell gift to retired Chief Justice R M M Zondo.



Chief Justice R M M Zondo and Mrs Zondo with their children at the farewell dinner.

COURT ADJOURNS: CHIEF JUSTICE ZONDO RETIRES

BY STAFF WRITER

Chief Justice R M M Zondo officially retired, marking the end of his distinguished 27-year judicial career. The Judiciary honoured the Chief Justice in a Special Ceremonial Sitting of the Constitutional Court on 21 August 2024, the same day the Chief Justice handed down his final judgment. On the eve of this significant event, a farewell dinner was held in his honour, hosted by Deputy Chief Justice M M L Maya. The evening's programme was directed by Justices N Z Mhlantla and Z L L Tshiqi.

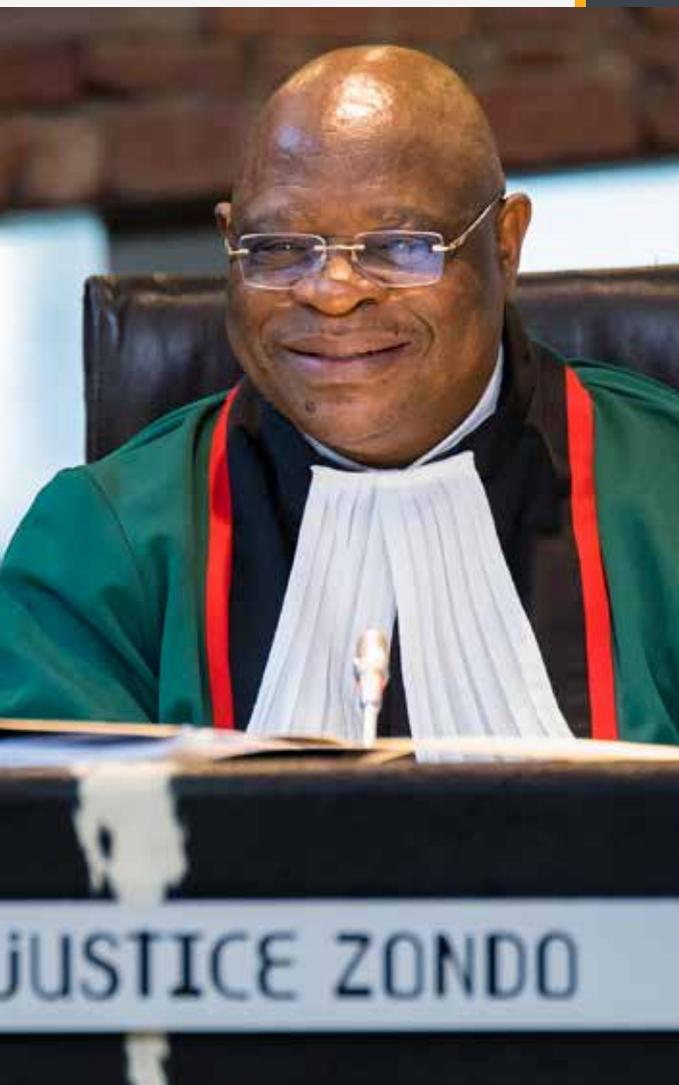
During the dinner, Justice M Madlanga spoke on behalf of the Constitutional Court Justices, while Supreme Court of Appeal President, Justice MB Molemela, paid tribute on behalf of the Heads of Court. Retired Chief Justice Mogoeng Mogoeng, a close friend, also offered heartfelt remarks, and Justice and Constitutional Development Minister Ms Thembu Simelane delivered a tribute on behalf of President C M Ramaphosa. Justice L V Theron proposed a toast to Chief Justice Zondo, followed by Chief Justice Zondo's own reflections on his illustrious career.

The Special Ceremonial Sitting saw the attendance of many dignitaries, including former President Thabo Mbeki, Minister Thembu Simelane, Reverend Thabo Makgoba, and representatives from various law bodies. The session was presided over by Deputy Chief Justice Maya, who set the tone for the tributes that followed. Advocate M Dewrance SC, representing Advocates for Transformation, praised Chief Justice Zondo's legacy, while Mr N F Mvundlela of the Black Lawyers Association and Mr M Notyesi, Chairperson of NADEL, emphasized his contributions as a jurist.

Other notable tributes came from Ms E Masipa of the Law Society of South Africa, Advocate D Jacobs SC on behalf of the General Council of the Bar, and Ms K Matolo-Dlepu on behalf of the Legal Practice Council. Advocate L Baloyi-Mere SC of PABASA highlighted Chief Justice Zondo's revival of the Aspirant Women Judges' Programme, while National Director of Public Prosecutions, Adv Shamila Batohi, acknowledged his role in strengthening the rule of law.

In her tribute, Speaker of the National Assembly, Ms Thoko Didiza, described Chief Justice Zondo as one of the country's most distinguished jurists. Chief Justice Zondo responded warmly to the tributes, marking the close of the ceremonial session and the conclusion of his career.

Chief Justice Zondo's retirement marks the end of a judicial career that transformed South Africa's legal landscape. His leadership in the Constitutional Court and his contributions to labour law and judicial reform have left an indelible mark. The Judiciary, legal profession, and the nation salute him for his outstanding service. ■



The Judiciary, legal profession, and the nation salute him for his outstanding service.”



Deputy Chief Justice M M L Maya



Minister of Justice and Constitutional Development, Ms Thembi Simelane, MP, spoke on behalf of the Executive.



The Speaker of the National Assembly, Ms Thoko Didiza, represented Parliament.



Former Deputy Chief Justice D Moseneke



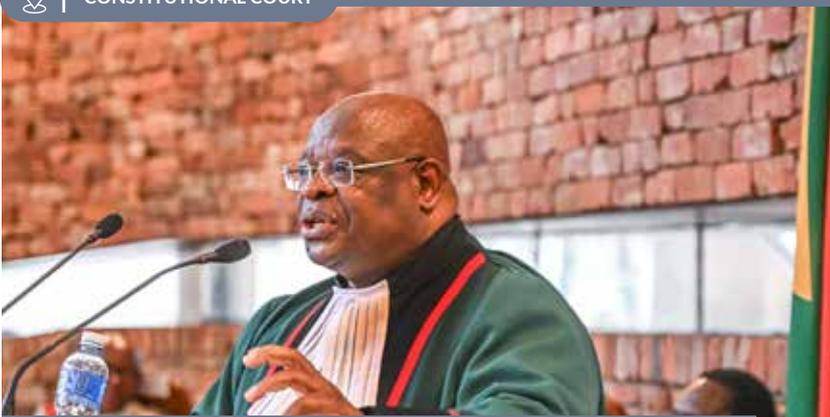
Advocate L Baloyi-Mere SC, speaking on behalf of PABASA



Archbishop T Makgoba, former President T Mbeki and Mrs Mbeki were among the dignitaries attending the special court sitting



Ms K Matolo-Dlepu speaking on behalf of the Legal Practice Council



Deputy Chief Justice M M L Maya welcomed stakeholders to the presentation

PRESENTATION OF THE ANNUAL JUDICIARY REPORT



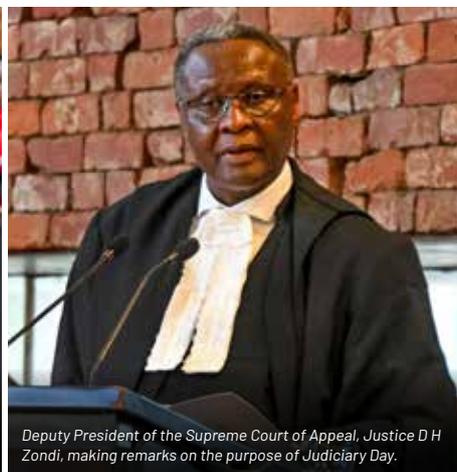
On 26 July 2024, Chief Justice R M M Zondo presented the Annual Judiciary Report for the 2022/23 financial year. The Annual Judiciary Day highlighted judicial functions and court performance. Chief Justice Zondo also addressed the state of the Judiciary, reinforcing the independence of the Judiciary as outlined in the Constitution. This marked his final presentation of the report, as he retired from active service on 31 August 2024. The event underscored the Chief Justice's responsibility in establishing and monitoring judicial norms and standards throughout his tenure.



Judge President C Musi



Minister of Justice and Constitutional Development, Ms Thembi Simelane, MP, making inputs following the presentation of the Annual Judiciary Report.



Deputy President of the Supreme Court of Appeal, Justice D H Zondi, making remarks on the purpose of Judiciary Day.



A stakeholder asking a question during the Q&A session on Judiciary Day



Members of the Judiciary present during the Annual Judiciary Day



Chief Justice R M M Zondo and the leadership of the Judiciary with the 2024 cohort of the Aspirant Women Judges' Programme

OFFICIAL LAUNCH OF THE 2024 ASPIRANT WOMEN JUDGES' PROGRAMME

On 5 August 2024, Chief Justice R M M Zondo officially launched the 2024 Brigitte Mabandla Aspirant Women Judges' Programme, a critical initiative aimed at advancing gender representation in the South African Judiciary. The South African Judicial Education Institute (SAJEI) has once again affirmed its commitment to this programme, which provides training and mentorship to aspiring female Judicial Officers, helping to bridge the gap in gender representation and further strengthening South Africa's judicial system. Ambassador Brigitte Mabandla, after whom the programme is named, expressed her deep gratitude for the honour. "I am humbled that the Aspirant Women Judges' Programme is named after me. I would like to thank the Judiciary for the contribution they have made in strengthening the democracy of the country," she said.



Ambassador Brigitte Mabandla



Chief Justice R M M Zondo



Judge President T P Poyo Dlwati



L-R: Judge President S Mphahlele, Judge President T P Poyo Dlwati, Ambassador Brigitte Mabandla, Retired Judge President M Leeuw and Acting Judge President T Djaje



SOUTH AFRICAN CHAPTER OF THE INTERNATIONAL ASSOCIATION OF WOMEN JUDGES CONFERENCE

The 18th Conference and Annual General Meeting of the South African Chapter: International Association of Women Judges took place in Durban from 9 to 11 August 2024. The Conference was held in collaboration with the Department of Justice and Constitutional Development and the Department of Women, Youth and Persons with Disabilities.



Minister of Justice and Constitutional Development, Ms Thembu Simelane, MP, and Chief Justice R M M Zondo



President of the Supreme Court of Appeal of South Africa, Justice M B Molemela



Minister for the Department of Women, Youth and Persons with Disabilities, Ms Sindisiwe Chikunga, MP



Chief Justice R M M Zondo



L-R: Minister S Chikunga, MP, Chief Justice R M M Zondo and Judge President T P Poyo Dlwati



Ambassador Brigitte Mabandla

KZN CASE FLOW MANAGEMENT CONFERENCE TO ENHANCE COURT EFFICIENCY

BY STAFF WRITER

The KwaZulu-Natal (KZN) Division of the High Court, under the leadership of Judge President T P Poyo Dlwati, hosted the Case Flow Management of Criminal Pre-Trials and Trials Conference on 10 and 11 July 2024, in Durban. The conference brought together key stakeholders from the justice sector, including representatives from the South African Police Service (SAPS), the Department of Justice and Constitutional Development (DoJ), the Department of Correctional Services (DCS), Legal Aid South Africa (LASA), the National Prosecuting Authority (NPA), the Legal Practice Council (LPC), the members of the Superior and Lower Court Judiciary in the KZN province.

In her opening remarks, Judge President Poyo Dlwati emphasized the importance of the conference in improving the efficiency of the court system. She noted that the resolutions should directly contribute to better case management and reduce delays in the judicial process.

Chief Justice R M M Zondo delivered the keynote address, highlighting the significance of this multi-stakeholder initiative in ensuring the swift and effective handling of court cases. He expressed his full support for the collaboration between the judiciary, law enforcement, and other role players.

Throughout the two-day event, various speakers provided insights and recommendations on improving case flow management. Judge N C Erasmus led a session on effective management of pre-trials in criminal matters, while the Acting Regional Court President, Mr. M Maharaj, and Chief Magistrate, Mr. E Ngubane, shared perspectives from the Lower Courts Judiciary.

The conference concluded with Judge President Poyo Dlwati outlining key recommendations and resolutions aimed at improving case flow management and streamlining criminal trials, further enhancing the justice system in KwaZulu-Natal. ■



 DURBAN, KZN



Chief Justice R M M Zondo with stakeholders in the KZN justice system.



Chief Justice R M M Zondo gave a keynote address at the KZN Case Flow Management Conference in Durban



Judge N C Erasmus conducted a session titled Case Flow Guidelines



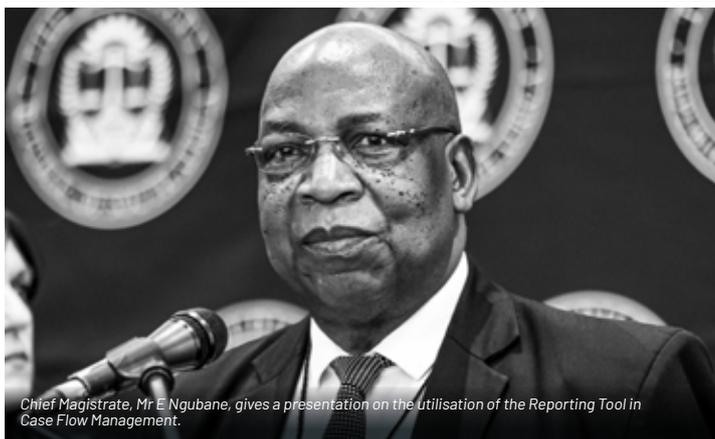
Judge of the KwaZulu-Natal Division of the High Court, Judge Jacqueline Henriques



KwaZulu-Natal Provincial Head of the Department of Justice and Constitutional Development, Ms P Moodley



Acting Regional Court President, Mr M Maharaj



Chief Magistrate, Mr E Ngubane, gives a presentation on the utilisation of the Reporting Tool in Case Flow Management.



The National Prosecuting Authority's (NPA's) Director of Public Prosecutions in KwaZulu-Natal, Adv E Harrison



**COURT
ONLINE**



The implementation of the Court Online project represents a monumental step forward for the South African Judiciary.”

PROGRESS IN IMPLEMENTING THE COURT ONLINE PROJECT: A NEW DIGITAL ERA FOR SOUTH AFRICA'S JUDICIARY

The South African Judiciary is taking significant strides in modernizing its court systems through the implementation of the Court Online project. This digital initiative, designed to streamline judicial court processes, marks a substantial shift towards enhancing efficiency and accessibility within the country's legal framework thereby enhancing access to justice to members of the public and court users. The project has seen significant activity in recent months, particularly at the Supreme Court of Appeal (SCA), the Constitutional Court, the Labour and Labour Appeal Court, Land Court and various High Court Divisions, where extensive preparations, stakeholder engagements and training sessions have been conducted.

Change Champions and Agents Identified

One of the first crucial steps in this initiative was the identification of Change Champions and Change Agents. These key ambassadors are tasked with ensuring a smooth transition to the new system within their respective courts. Notably, Judges have also been assigned as Change Champions, further highlighting the Judiciary's commitment to the success of this project. Judge President Mlambo as the head of the Gauteng Division of the High Court has been leading the implementation of the Court Online system, in consultation with other Judges President.

Training Efforts in Full Swing

Training forms a core part of the Court Online rollout. The project team has already conducted multiple training sessions to familiarize Judges and court officials with the system. Training for Constitutional Court officials took place in April 2024, while the SCA court officials received their training in March and August 2024. The judges designated as champions for the SCA underwent training in April 2024, while the Constitutional Court Justices received theirs in May 2024.

Court Online Rollout Plan

The Court Online system has already been successfully implemented in the Gauteng Division of the High Court, serving as a model for future rollouts. The project rollout plan was presented to the Judiciary’s IT Advisory Team (JAIT), chaired by Judge President Mlambo, and received formal approval. This endorsement by the JAIT allowed the system to be implemented at the Constitutional Court and the Supreme Court of Appeal, with future expansion planned for other High Court Divisions.

As part of the preparations, infrastructure readiness assessments were conducted at these courts in 2023. However, system instability issues in the previous year delayed further implementation. These stabilisation issues have now been resolved.

As part of the broader rollout plan, the project team has also launched the roll out and implementation of Court Online System at the Labour Court and Labour Appeal Court. The

Labour Court and Labour Appeal court implemented court online on 12 August 2024 in respect of urgent matters. The Land Court introduced Phase 1 of the court online implementation on 23 September 2024. The Judges President of the above-mentioned courts have also embarked on engagements with stakeholders and webinars for legal profession and litigants to familiarise them with the system.

In conclusion, the implementation of the Court Online project represents a monumental step forward for the South African Judiciary. As the rollout progresses, it will provide the foundation for a more accessible, efficient, and technologically advanced court system, benefiting not only court officials and judges but also the broader public. The project’s success depends on the continued collaboration and dedication of all stakeholders involved, as they work together to ensure the smooth integration of this innovative system into the Judiciary’s daily operations. ■



Judge President D Mlambo facilitated a training for Justices of the Supreme Court of Appeal



Judge President D Mlambo taking Judges of the Free State High Court through the Court Online System.



Judge President D Mlambo taking Judges of the Supreme Court of Appeal through the Court Online System.

WOMANITY - WOMEN IN UNITY

The Office of the Chief Justice in collaboration with Womanity - Women in Unity, a weekly gender-based talk radio programme that celebrates prominent and ordinary African women's achievements in their ongoing struggle for liberation, self-emancipation, equity, human rights, democracy, hosted by Dr. Amaleya Goneos-Malka, conducted a three-part series on women in the Judiciary, as part of commemorating women's month. Three South African women Judges shared their stories to inspire Women in South Africa and the diaspora.

The next few pages contain excerpts from transcripts of the radio interviews with Judge Katharine Savage from the Western Cape High Court; Judge Jacqueline Henriques from the Kwazulu-Natal Division of The High Court and Judge Portia Nkutha-Nkontwana, from the Labour Appeal Court.

Use the QR Code provided to access the full interview.

Link to full interview on our YouTube Playlist &
<https://womanity.africa/podcasts-2024/> >>



JUDGE KATHARINE SAVAGE

ACTING DEPUTY JUDGE PRESIDENT OF THE
LABOUR COURT AND LABOUR APPEAL COURT &
JUDGE OF THE WESTERN CAPE DIVISION OF THE
HIGH COURT

INTERVIEW AIRED: 26 JULY 2024



DR. MALKA

Judge Savage, before your appointment to the bench, you had more than 25 years' experience in the legal field as an attorney involved with litigation, arbitration, you have also worked with the Legal Resources Centre's Constitutional Litigation Unit, the Commission for Conciliation, Mediation and Arbitration, otherwise known as the CCMA, various commercial law firms, as well as the ANC's Constitutional Commission during the drafting of the final South African Constitution. Academically you hold a BA, a Bachelor of Law and Master of Laws degrees. Each step in your career has successively built upon the previous one. To begin with, can you please tell us what sparked your interest to pursue law?

JUDGE SAVAGE

Well, I grew up in a family, in a white South African family, which was actively opposed to apartheid and from a young age I was made aware of apartheid's horrors and how people were degraded so desperately in apartheid and was moved, in a sense first by my family, to act in my life to change our society. We used to sit around the dinner table having conversations about what it meant to be a white South African and what the consequences of that were for our life. My parents were both politically active and were involved in careers that were politically active and so it was easy to have these conversations and the conversations also expanded into other world issues and human rights and social justice and such topics. So, I initially wanted to study African History, which I did initially do

at university and then was accepted into History Honours at UCT, but my father who was an academic and a sociologist, was extremely fierce in his view that he felt that I should study law and he thought that was a far more useful endeavour than engaging in an academic career. So, I battled myself through the next couple of years to decide whether that's what I really should do or not and finally decided to enrol for law at UCT and started my relationship with the law from that point onwards. I can't say I was the best law student because I was very politically active at university, but certainly in those subjects that interested me, I put some effort, and in others that didn't, I can't say I put a lot, but I got through my law degree with a lot of my mother's help to be honest.

DR. MALKA

Can you share with us, say a couple of the most memorable cases that you've presided over?

JUDGE SAVAGE

Yes, I mean perhaps to start, it's a lonely job being a judge, so one expresses a view and you then stay quiet in the face of both criticism and support for your view and sometimes your view needs to be a brave one, which you may not agree with the prevailing view on a bench when you're sitting with two other judges or even with four other judges. You have to stand true and remain true to who you are, you have to stand with your view and at other times of course you need to shift your views when you're sitting in courts with a number of judges and be

open to being persuaded that you might be wrong. So, it's not an easy process, certainly some of the cases that I've been involved in for instance, are the Primedia Case involving signal blocking in 2014 at the opening of parliament and also on the filming of behaviour in parliament at that time and that case I differed from my two colleagues, so I wrote a dissenting judgment and my dissent was ultimately upheld in the Supreme Court of Appeal. So, that was one of my judgments. that I felt that I took a stance, I stood by it, I was not prepared to shift my position and I ultimately was upheld on it. Another case which I had been involved in was in the Labour Appeal Court was one on derivative misconduct, another one where I wrote a dissenting opinion and which went to the Constitutional Court and was upheld.

DR. MALKA

Can you perhaps just give us a little bit more into some of the values that you think a judge should possess?

JUDGE SAVAGE

I think some of the general ones are that one really does need to be able to take a view on something and to be able to express why you do so and then stand by that and in some circumstances, even in the face of opposition or a public view, that it's the wrong position or it's the wrong decision, for instance you might impose a criminal sentence on someone and a general view publicly is that is too lenient a sentence, that in the circumstances a more severe sentence was warranted and those sorts do happen and judges need to just take the good with the bad, the criticism with the support and read of what they have said and how it is analysed as it comes. So, you have to be, in a sense, quite brave, independently minded and able to stand your ground, but at the same time be confident enough with yourself and your opinions I think to not be too moved when there is perhaps a negative response to the stances that you hold.

DR. MALKA

Staying with the career aspect for a moment, in 2022 you were elected by the United Nations General Assembly as a Judge of the United Nations Appeal Tribunal. Can you tell us what that role entails, what it means and also how it came about?

JUDGE SAVAGE

I mean we are in an era now where there are increasing numbers of female judges, but this hasn't always been so. I mean I think I was something like the 13th female judge appointed to the Western Cape High Court and I think fewer than three or four or five women have been appointed to the Labour Appeal Court. So, in the international arena the situation is somewhat similar, some countries of course are better than others. So, in relation to the United Nations position, I was asked by a friend who lives and works internationally, a South African friend, to consider applying for international arbitration and other adjudication positions, given her work in advancing women and the numbers of women in the international judicial sector, I ended up

applying for it and thought I had no chance whatsoever, I had to write a three hour exam, I had to go through an interview and then of course it had to go to the General Assembly and I was then elected to the seven member United Nations Appeals Tribunal.

DR. MALKA

For International Women's Day, which was the 8th of March, the theme was, Invest in Women, Accelerate Progress. As a judge, seeing people's rights upheld and also infringed upon, how do you interpret this theme?

JUDGE SAVAGE

Well, I think that we've got so much to do in terms of our society in enabling our society and one of the starting points to that is that we have enormous numbers in law of female law graduates who come out of law, I think the law school numbers are more women graduate nowadays than men, but we don't see those women coming to the top of the legal profession either very quickly or easily and I think we've got a long way to go in terms of trying to enable people to engage properly with their careers.

DR. MALKA

What are some of the factors that you feel have contributed towards your success, so if you could share some of the elements that you think have helped you get to where you are?

JUDGE SAVAGE

Well, it's very difficult, I mean I suppose it starts with my family, I mean my mother and my father, my grandparents, my paternal grandmother, my closest friends, I mean they have been an enormous source of support to me, ongoing support. My husband is a gentle man who has been a pillar of support for me, he is a reminder that it does make a difference who you choose to have as your partner and who you choose to have around you. I think that some of the challenges I have faced in my life have led me to where I am. I have not had always an easy time, I have sometimes had some grave areas of difficulty. I have two children with a bleeding disorder known as haemophilia, my brother is a haemophiliac and that has posed its own problems. I have had a son who is not only a haemophiliac but had a brain tumour and that was perhaps one of the most traumatic experiences of my life. So, there have been challenges and I think we have, all of us, challenges, everybody has a tapestry that makes their life unique and those challenges in fact are often very growing and although difficult make one into who one really should and ultimately should be. My take on it is that I think the more different experiences one has, the more nuanced a human being you are, in fact difficulties are often very useful and very growing. I hope that what I bring to the judiciary is an ability to appreciate people from different backgrounds, to understand where they've come from, to encourage people to overlook their own insecurities and difficulties in their own lives and really try and strive to get to the best place they can get to. ■

JUDGE JACQUELINE HENRIQUES

JUDGE OF THE KWAZULU-NATAL DIVISION
OF THE HIGH COURT

INTERVIEW AIRED: 02 AUGUST 2024



DR. MALKA

Judge Jaqueline Henriques who is a permanent judge of the KwaZulu-Natal Division of the High Court. Reflecting on your journey, more than a decade ago you were appointed as a judge in KwaZulu-Natal's Division of the High Court in 2011, before that you were in private practice, you were employed by the state in some very interesting roles such as High Court and Magistrate's Court litigation involving all government departments and dealing with matters referred by the Asset Forfeiture Unit. Tell us what triggered your interest to go into law?

JUDGE HENRIQUES

Well actually law wasn't my first choice, I come from a family of teachers and that is what I wanted to do. My father was reluctant for me to follow his footsteps and discouraged me from embarking on a teaching career, so I thought I would outsmart him. I registered for a BProc degree at the time because that is the degree I was accepted for at the university, and I planned on changing midway to a BA and then branching out and doing a Bachelor of Education. Fortunately, when I registered for the BProc degree I loved it, I was hooked, the bug caught me and the rest, as they say, is history. But also, what transpired whilst I was studying was that a family member of mine was attacked and went through a very traumatic experience and apart from watching her deal with the trauma of the attack, there was also the secondary trauma that she went through having to go to court appearance after court appearance, and I watched her do this for a period of almost three years until her matter was finalized.

And that made me determined to make the difference and not let anyone go through that again and provide support. I have also to a large extent been motivated by a desire to help, I have always wanted to help, and this was my way of making a contribution.

DR. MALKA

This idea that those experiences are relived every time the topic surfaces, every time that they go through a court hearing and I can only imagine how overwhelming that must be to just have this sort of delay of justice on a continual basis and it's not something that I had previously really given much thought to, but it must have tremendous impact on an individual's wellbeing.

JUDGE HENRIQUES

It does, because they have already been through that physical and mental trauma. Just getting them to make a statement and report it is a huge ask, but then you ask them to get up every morning and come to court and sit at court, waiting in the hope that they get to testify, and that in itself I think is a harrowing experience for anyone so, apart from going through the secondary trauma of having to testify, they wait and for whatever reason they don't get to testify, so they come back the next day and the next day and for me that has got to be amongst the hugely emotionally challenging experiences that anyone has to go through. I don't know that we do enough, which is why as a judicial officer, where it is within my control, I try and ensure that we deal with these witnesses as expeditiously as possible.

DR. MALKA

You've given us a perspective of witnesses coming to the stand and victims, on the other side, how do you deal with these situations, because you're exposed to these traumas as well; is there a kind of debriefing that happens?

JUDGE HENRIQUES

I have been in a workshop where you are taught to decompress. As a judge you also have colleagues who have had a similar experience, who you can talk to, who have mentored you and who have been through this. I have also learned coping mechanisms, so I try and leave work at work, I try and set boundaries. The job of a judge isn't an eight to five job, as you know it is 24/7, but I try and exercise, I try and do meditational exercises, I try and eat healthy and exercise to deal with those pressures and over time you learn coping mechanisms and I think what also helps is that in our division, unlike with the magistracy, with a lower court judiciary, you don't deal with criminal work day in and day out.

DR. MALKA

Can you tell us potentially about some of the obstacles that you've encountered as a woman building your career and importantly how you overcame them?

JUDGE HENRIQUES

When I started my career, I wanted to gain as much experience as possible. I didn't have family members or friends who were in the legal sphere, so getting that experience, to what actually goes on in practice was a bit difficult, but what I did was I volunteered at a firm, I literally knocked on doors and said to attorneys I am happy to volunteer my services for no remuneration, just so that I could get experience. Some were reluctant because of confidentiality issues, but some having been through that as they progressed through their career, understood what I was trying to do.

DR. MALKA

Given your experiences, what advice would you give to upcoming law students who aspire to be judges or just work in the legal profession?

JUDGE HENRIQUES

For me, I would tell them to work hard, sacrifice and remain determined and never give up. Focus on your goals, try and get as much practical experience as possible, university teaches you the theory, but if you want to be successful in the legal profession you have to get that practical experience. Go to court, assist at advice desks or community centers, participate in the projects of the Legal Practice Council as well as your Bar Council and I think that would be the advice I would give.

DR. MALKA

Are there any key qualities or skills that you think are important for a successful career in law?

JUDGE HENRIQUES

I can pick from the perspective of being a judicial officer and I think it requires a combination of skills, qualities and personal attributes. For me some of the crucial ones are the following: impartiality and independence; an ability to remain unbiased and be an independent thinker but also independent in your decision making. Secondly, strong analytical and critical thinking, one must have a capacity to analyze complex legal issues, evaluate the evidence that is presented and make sound judgments. Thirdly, you must have excellent communication skills; an ability to clearly articulate your thoughts, both verbally and in writing. One of the most important ones I think is integrity and ethics; an unwavering commitment to uphold the law and maintain the highest ethical standards. Empathy: an ability to understand and not only manage one's emotions, but also empathize with others and understand the emotions at play, especially when you have litigants in person who appear in your court. A strong work ethic and an ability to manage your time, you must have a capacity to handle heavy workloads, be able to prioritize tasks and manage your time effectively and it goes without saying, the knowledge of the law and legal principles and an ability to remain calm under pressure; a capacity to maintain your composure in high stress situations. A respect and empathy for diverse perspectives, an ability to consider and respect different viewpoints, cultures and backgrounds. Also be committed to continuous development, continue legal education as a judicial officer is important and I think as a judge you must have the ability to work collaboratively with others, especially with your colleagues. Good case management skills and an ability to adapt to changing circumstances. I think those for me would be some of the key qualities that you would need.

DR. MALKA

Judge Henriques, our world changes constantly and correspondingly the law does as well; in your opinion what would you say have been some of the most important recent laws or reforms that have been passed that are in the best interests of women?

JUDGE HENRIQUES

For me the most recent development has been the changes and amendments to the laws in relation to domestic violence legislation. In the fight against gender-based violence the legislature has made, in my view, commendable amendments to various legislation, stricter bail conditions are now imposed on a person who is charged with domestic violence offences and harsher sentences are now prescribed for offenses relating to gender-based violence. Some of these amendments which have now come into force on the 14th of April 2023 were substantial and I am just going to highlight a few if you don't mind.

The act has expanded on the definition of what constitutes domestic violence, so some of the acts of domestic violence now include, in addition to the physical abuse, economic abuse, spiritual abuse, controlling behaviour, harassment,

intimidation, elder abuse and related person abuse, to name a few. In my view the expansion of the definition enhances protection afforded to victims. The act now also requires the community to play an active role in stopping the scourge of domestic violence. It is mandatory for the public to report acts or reasonable suspicions of domestic violence, especially committed against children, disabled people and the elderly and it also criminalizes the failure of a person to report such abuse.

DR. MALKA

What are some of the factors that you feel have contributed to your success? Please share with us what have been some of your core drivers?

JUDGE HENRIQUES

Discipline, focus, my faith and I also think it's the people that have been part of my life. My paternal grandmother, who wasn't educated, but valued education and insisted that we all be educated. Mother Theresa and her total dedication to helping the poor and people less fortunate than herself. My mother, who also similarly only had a standard three level of education, but who emphasized that sacrifice was worth it, that you had to have an education and that you always had to help others, those less fortunate than yourselves, even when they were reluctant to accept your help and then also my best friend Naomi, who is a director of a major law firm, and I have watched her juggle her career as a director, as a managing director and then as a mother and a daughter and a friend and those have been people who have inspired me. And then also my family members who, as I was growing up and even when I qualified, have kept me grounded, but at the end of the day you are a human being and you have to serve and you have to leave your mark in whatever small way you can. ■

JUDGE PORTIA NKUTHA NKONTWANA

JUDGE OF THE LABOUR APPEAL COURT

INTERVIEW AIRED: 09 AUGUST 2024



DR. MALKA

Judge Portia Nkutha Nkontwana from the Labour Appeal Court. The judiciary is an important component of the justice system, it safeguards and protects the constitution, its values, and in doing so upholds democracy by applying the law impartially and to adjudicate disputes. Welcome.

Judge Portia, you hold a Juris LLB from the University of Zululand, you also have certificates in industrial relations and leadership from Wits Business School and the Gordon Institute of Business Sciences. You began your career as a Commissioner for the Commission for Conciliation, Mediation and Arbitration (CCMA), and thereafter you were a labour consultant for a number of different companies in diverse sectors, from chemical to food and beverages, communications, municipalities, provincial and national government departments. Labour seems to be a core area of interest for you, did you always envisage a legal career and eventually being part of the judiciary with a focus on labour?

JUDGE NKUTHA-NKONTWANA

I think the profession chose me. My dad gave me the name Portia, so when he named me Portia and he made it a point that I know that Portia is a character in the play by Shakespeare, The Merchant of Venice, and I think she was a lawyer. So, I grew up knowing that I am a lawyer, and I am going to be a lawyer, and I embraced being a lawyer, but I was always upfront in terms of

confronting issues and in terms of dealing with justice issues. You know my dad, I mean he was just a postmaster, he was not having degrees or whatever, but he was very wise. I remember he introduced me to dispute resolution and just justice, because in my family discipline was collective, so we had what we called "The Table", if there was a problem at home we would be called to "The Table" and the table was where we discussed challenges, from adolescents dating, playing truant at school, you know, whatever challenges that faced, to financial challenges as well.

DR. MALKA

Moving from "The Table" at home, the dispute resolutions, to the bench; can you share a couple of memorable cases that you have presided over?

JUDGE NKUTHA-NKONTWANA

Yes, I think one that comes to mind, it has to do with racial harassment. A female supervisor who happened to be white, I mean in South Africa you know there is racial tension, because obviously of apartheid. So, this particular supervisor was enforcing discipline, the perpetrators are the subordinates whom she had just disciplined and then they accused her of racial harassment, of using your "k" word, we know it is derogatory South Africa because of apartheid and how Africans were called. So, it is serious, I mean when

you use that term, obviously it is a serious allegation and so instead of investigating holistically and testing both cases, the employer proceeded to charge this supervisor and then she was charged with racial harassment, using the 'K' word as we would call it and then she was found not guilty in the disciplinary hearing. So, thereafter then she lost the grievance and she was expecting that the subordinates be dealt with, because obviously that was serious. It went to newspapers and she was labelled a racist and the employer refused and they played hide and seek up until she involved her union and then the union decided that if you are not going to charge these people, we are going to have to go to court, because this is unfair discrimination, it is racial harassment, but because also she is a female, obviously it is gender harassment or discrimination and then they referred then that case. So, it sat before me and what was amazing, in the manner in which the employer presented its case, it just showed a lack of sensitivity and understanding of gender equality.

It is just one of those issues that strike me that in this time and age we still have I think lawyers who are insensitive because maybe of a lack of training, I am not sure, but also a lack of understanding of the seriousness of gender equality and the constitutional imperatives, not only on institutions, but also on lawyers themselves, because they need to assist in the enforcement and protection of constitutional rights.

DR. MALKA

In your views, what are some of the important equality gains that women have attained?

JUDGE NKUTHA-NKONTWANA

I think it is access, you know, there were challenges with access. I think when I started my career it would seem as if there was no acceptance that you can have female lawyers and I say that because my professor in my first year did not understand that there must be diversity in the legal practice and he was shocked to see that there were more female students than male students also when we look at the judiciary itself, I mean the fact that we have the president of the Supreme Court of Appeal, who is a female, President Molemela, so you know that we have made progress, but the Deputy Chief Justice is Justice Maya, who is a female and I think with the retirement of the Chief Justice, she is going to take the reins. So, I think those are gains because we have positive mentors and positive role models and that is very important for women.

I mean even in parliament we have about 42% women representation and I think in corporate we have about 17 to 20%, I think it varies. So, those are the gains, that we have people who are occupying positions where decisions are made and because they are there, then they represent diversity of thoughts, of views and then they shape the policies, and it is very important that they are there.

DR. MALKA

Thinking about the idea of gains, one of the things which concerns me is about regression so, given your experience in the field, the judiciary, as a lawyer, as a judge, what do you think we can do as women to ensure that our hard-earned rights are never taken away from us?

JUDGE NKUTHA-NKONTWANA

I think one of our former chief justices, he says we must commit ourselves to the struggle for a just legal dispensation that does not benefit only ourselves and a small privileged elite, but advances the interests of those whom our society continues to marginalize. If we don't succeed in this, we risk cynical mobilization of forces of populism against the rule of law.

DR. MALKA

In your view, what else do you think needs to be done to increase the representation of female judges in the country?

JUDGE NKUTHA-NKONTWANA

Yes, we have achieved a lot in our country, what we need to do now is to look at policies and make sure that the policies they assist us to sustain and retain. We have women who could be joining us now who can't because we know that most of the households are led by women. So, you have got senior qualified counsel that are eligible for appointment, but they don't avail themselves because of the conditions of employment. I am saying that because I remember when I announced to my colleagues when I was still an advocate, that I had accepted appointment, one of them said wow, you have committed an act of insolvency. So, meaning that because people would not come to the bench because I mean it is this drastic reduction in income. So, in a sense it is discriminatory to women, because most of them are running households by design or by default and I think it dissuades them from joining the bench. So that is important to me, that they need to address the conditions of employment of the judges, because they are indirectly affecting diversity because women will not avail themselves to.

DR. MALKA

I wanted to ask you about your juggle between career, because you really do have a demanding role, and motherhood; how have you managed to do this?

JUDGE NKUTHA-NKONTWANA

You know, work life balance is never easy and that is why most people say maybe it is a nebulous concept, especially in the life of a judge, but also maybe it is so in all other professions, So, it would seem as if work is following us home or work is at home more than in the place where we used to call a workplace, our workplaces are at home, it makes it even more difficult to do that. However, in my career I decided early that I am going to involve my family and the reason being I did not want to progress in life and leave them behind and then they don't support you in turn because they were excluded.

DR. MALKA

That is a great approach and one which I think really demonstrates integration of family into your life. I wanted to ask you about some of the factors that you feel have contributed to your success.

JUDGE NKUTHA-NKONTWANA

You know for me I think success is just trying all the time and an understanding that we are products of support. The mentors that we have, the role models that we have, as I said earlier on, they assist us to be who we are, but also for me because I am a Christian I think my journey, my journey, my faith journey has assisted me, because I look at where I am and I know that it is because of my spirituality that I could connect, that I could remain grounded and as I said earlier on, it is also that the support system that you create.

DR. MALKA

In recognition of women's month, can you share a few words of inspiration that you'd like to pass onto women and girls who are listening to us?

JUDGE NKUTHA-NKONTWANA

Michele Obama is quoted to have said that success is about hard work, choices and persistence. I agree with that, but it doesn't matter where you find yourself, I started from I call it ground zero, which means I could represent a rural girl who has no resources. A township girl who has never had access to a lot of resources, you know, I represent that so to say it doesn't matter where you find yourself, just work hard, have a goal, choose what you want to be and access help that is going to be offered to grow in a particular area or field that you have chosen for yourself. It is very important that people also embrace their mistakes, we are not perfect beings and sometimes we are over critical to a level where we doubt ourselves and therefore, we are immobilized by our failures, yet we should be able to embrace our mistakes and learn from them and move on. I believe in mentorship because as I said, we are products of success, find good mentors who will see what you can't see in you and steer you in the right direction. ■



TRAINING OF DISTRICT COURT MAGISTRATES

In August 2024, SAJEI conducted a month-long training for newly appointed District Court Magistrates at the Brigitte Mabandla Justice College in Pretoria. The plenary session on 1 August featured a keynote address by President of the Supreme Court of Appeal, Justice M B Molemela, where she spoke to 103 newly appointed District Court Magistrates on Judicial Ethics, Conduct, and Accountability. Deputy Judge President A Ledwaba, Chairperson of the Magistrates' Commission, also delivered a message of support during the session, emphasizing the importance of these values for Judicial Officers.



The President of the Supreme Court of Appeal (SCA), Justice M B Molemela, gave a keynote address at the plenary session for the training of new District Court Magistrates at the Brigitte Mabandla Justice College in Pretoria



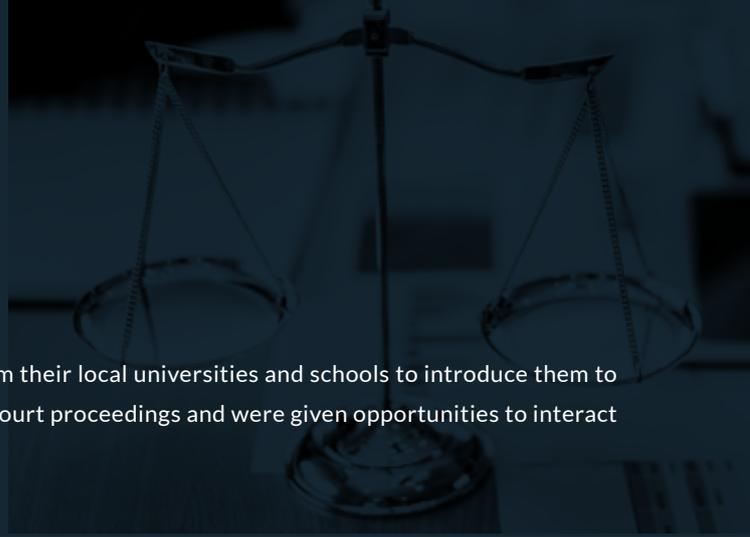
The Chairperson of the Magistrates' Commission, Deputy Judge President A Ledwaba



As part of Nelson Mandela Month activities, the Constitutional Court Law Clerks participated in a Career Day hosted by the Department of Justice and Constitutional Development, in partnership with Bowmans.

JUDICIAL OUTREACH: UNIVERSITY STUDENTS

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.



NORTH WEST HIGH COURT HOSTS SUCCESSFUL MOCK TRIAL COMPETITION

On 27 August 2024, the North West Division of the High Court hosted its annual mock trial competition in partnership with North West University and Juta Publishing. This marks the third consecutive year of the collaboration. Acting Judge President Djaje, along with the division's judges, participated in the two-day event, which involved students from all three campuses of North West University. The competition featured second- and third-year law students, providing them with valuable exposure to the courtroom environment and practical experience in trial procedures. The event was a resounding success, continuing to enhance legal education in the region.



INSPIRING WOMEN AT UCT

Acting Judge President Goliath addressed Women at the University of the Western Cape at an event hosted by the Wellness Department.

THOHOYANDOU HIGH COURT WOMEN'S MONTH OUTREACH

As part of its Women's Month outreach activities, final year female law students from the University of Venda were hosted by the Thohoyandou High Court, on 23 August 2024. Acting Judge Fulufhelo Nemutandani addressed the students, and spoke to them about the importance of dedication and perseverance.



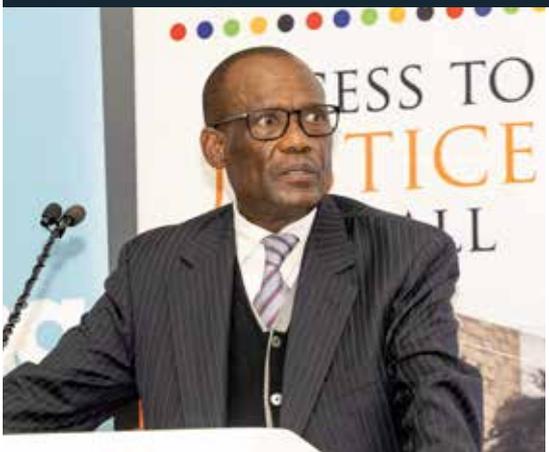
MPUMALANGA HIGH COURT HOSTS EDUVOS B.COM LAW STUDENTS

On 14 August 2024, the Judge President of the Mpumalanga Division of the High Court, Judge S S Mphahlele, together with Judge Ratshibvumo and Acting Judge Roelofse, hosted Eduvos B.Com Law students at the Mbombela High Court.



CAREER DAY AT BOWMAN'S - OUTREACH

On 30 July 2024, Judge P Tsoka of the Gauteng Division of the High Court, gave an address at the Annual Career Day at Bowmans law firm in Sandton, which forms part of the Mandela Month commemorative outreach programme. The programme is an initiative by the Department of Justice and Constitutional Development, which is aimed at 3rd and 4th year law students, and brings together various stakeholders including, the South African Judiciary, the Office of the Chief Justice, the National Prosecuting Authority, and various law bodies.



UNISA LAW CLINIC GALA DINNER

Acting Judge President Goliath delivered a message of support and encouragement at the UNISA Law Clinic's Stakeholders Gala dinner held on Friday, 28 June 2024.



OLIVENHOUTBOSCH SECONDARY SCHOOL OUTREACH

On 18 July 2024, in commemoration of Nelson Mandela Day, learners from the Olivenhoutbosch Secondary School were hosted by the Gauteng Division of the High Court, Pretoria. The visit by the students came as a follow up to a visit by Judge Lenyai and officials of the Office of the Chief Justice in June 2024 at their school. Students were taken on a tour of the court and shown the inner workings of the court.





JUSTICE X PETSE HONOURED IN FAREWELL CEREMONY BY NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (NADEL)

On 19 July 2024, the National Association of Democratic Lawyers (NADEL) hosted a farewell ceremony in honour of the retired Deputy President of the Supreme Court of Appeal, Justice X Petse. The event, held at the Walter Sisulu University in Mthatha, brought together legal luminaries, family, and friends to pay tribute to Justice Petse's illustrious career and enduring contributions to South Africa's judiciary.

The farewell ceremony was a celebration of Justice Petse's professionalism, integrity, and dedication to upholding the Constitution. Judge President of the Eastern Cape Division of the High Court, Judge S Mbenenge, took the audience back to the early days when he and Justice Petse began their legal careers in the Eastern Cape. His heartfelt tribute highlighted the long-lasting impact Justice Petse has had on the legal profession and the lives of those who worked alongside him.

Mr. Humphrey Lusu, another long-time friend of Justice Petse, and highly respected legal luminary in the Eastern Cape, also praised the retired judge for his dedication to justice and his significant role in shaping the legal landscape. Adding to the chorus of tributes, Adv Dumisa Ntsebeza SC lauded Justice Petse for his principled leadership and unwavering commitment to the rule of law.

Justice Petse's long-time friend, Acting Deputy Judge President of the Eastern Cape Division of the High Court, Judge B Tokota, reminisced about their nearly five-decade-long friendship. He described Justice Petse as a man of integrity and principles, a theme echoed throughout the evening. "He is upright and a man of principles," Judge Tokota said, recalling their shared experiences.

Delivering the keynote address, Deputy Chief Justice Maya spoke passionately about Justice Petse's extraordinary contributions to the judiciary. She praised his unwavering commitment to justice, describing him as a beacon of excellence whose work will continue to inspire future generations of legal professionals.

Justice Petse, in his responding address, expressed deep gratitude for the outpouring of respect and support, acknowledging the role his colleagues, friends, and family played throughout his career. ■



Retired Deputy President of the Supreme Court of Appeal, Justice X Petse, during the farewell ceremony held in his honour at the Walter Sisulu University in Mthatha.



L-R: Judge President S S Mphahlele, Judge President T P Poyo Dlwati, Justice N P Mabindla-Boqwana, Justice T M Makgoka, Justice Tshiqi and Justice Mhlantla.



Deputy Chief Justice M M L Maya gave keynote address at the farewell ceremony for retired Deputy President of the Supreme Court of Appeal, Justice X Petse in Mthatha.



Judge President of the KwaZulu-Natal Division of the High Court, Judge T Poyo Dlwati, pays tribute to Justice Petse



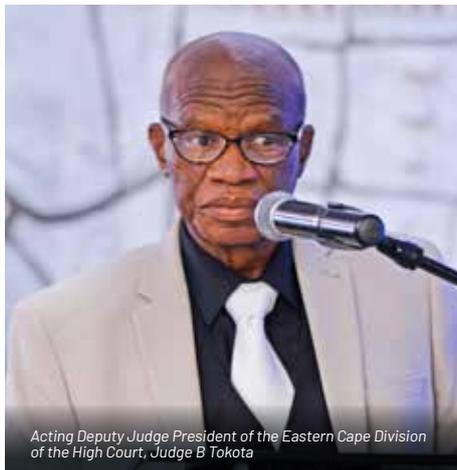
Mr M Notyesi President of NADEL



Adv Dumisa Ntsebeza SC



Mr Humphrey Lusu



Acting Deputy Judge President of the Eastern Cape Division of the High Court, Judge B Tokota



Adv Dali Mpfu SC



Magistrates' Commission Unveils Newly Renovated Offices in Pretoria

BY STAFF WRITER

The Magistrates Commission officially opened its newly renovated offices in Pretoria on 30 August 2024. Deputy Judge President Aubrey Ledwaba, Chairperson of the Commission, delivered the opening and welcoming remarks to commissioners and key stakeholders in attendance.

Before the meeting commenced, Deputy Judge President Ledwaba led a tour of the upgraded premises, offering attendees a first look at the improved facilities. Following the tour, he addressed the gathering, emphasising the significance of the renovations and the opportunity to enhance the Commission's operations.

The ceremony included a ribbon-cutting, led by Deputy Judge President Ledwaba, symbolising the official opening of the revamped offices. The renovations are set to bolster the Commission's capacity to support the judiciary.

The meeting also welcomed eight new members from the National Assembly and the National Council of Provinces (NCOP) who had been appointed to the Commission. The Minister and Deputy Minister of Justice and Constitutional Development were also formally welcomed during the proceedings. ■



L-R: Hon S Nomvalo from National Assembly, Hon CS Nxumalo from the NCOP, Hon SP Mabilo from the NCOP, Regional Court President Gauteng Mr M Djaje.



Deputy Judge President A Ledwaba officially cuts the ribbon, following a brief tour of the premises



Deputy Judge President A Ledwaba and Judge President C Musi



L-R: Hon SP Mabilo NCOP, Mr M Djaje Regional Court President, Gauteng and Mr JHP Britz NCOP.



Ms Y Sidlova, Commissioner of the Magistrates Commission



Mr MM Mokeona, Commissioner of the Magistrates Commission



OPENING OF PARLIAMENT

On 18 July 2024, President Cyril Ramaphosa convened a joint sitting of the newly established two Houses of Parliament to deliver the Opening of Parliament Address (OPA) for the Seventh Administration. The opening of Parliament was attended by members of both houses, the National Assembly and National Council of Provinces and marked the start of the new five-year parliamentary cycle. The Judiciary also attended the opening.



L-R: Chairperson of the NCOP Ms Refilwe Mtsweni, President Cyril Ramaphosa, Speaker of the National Assembly Ms Thoko Didiza, and Chief Justice R M M Zondo



Chief Justice R M M Zondo and Speaker of the National Assembly Ms Thoko Didiza



Deputy Chief Justice M M L Maya



The Judiciary procession during the Opening of Parliament



THE SCA HOSTED A MEMORIAL SITTING FOR JUSTICES MTHIYANE AND HOEXTER ON 15 JULY 2024 AT THE SCA.

SPECIAL MEMORIAL SITTING AT THE SUPREME COURT OF APPEAL – 15 AUGUST 2024

On 15 August 2024 the Supreme Court of Appeal held a Special Memorial Sitting in honour of Justices KK Mthiyane and GG Hoexter, who passed away in 2021 and 2024 respectively. The Justices of the Supreme Court of Appeal, Heads of Court, members of the legal profession and academia paid tribute to the Justices. Below is an excerpt of the address by President of the Supreme Court of Appeal, Justice B Molemela.

As most of you will know, the legal profession is steeped in tradition. The holding of a special court sitting to honor and pay tribute to deceased judges is an age-old tradition that has been observed in many countries for many years. It is a well-established tradition that we are proud to preserve.

Ceremonies of that nature are traditionally held at the court where the deceased judge last served. In keeping with that tradition, we are gathered here today in a special sitting of this court to honor and salute two deceased colleagues who served this court with distinction. As the saying goes, “Charity begins at home”.

Their presence infuses us with renewed energy and vigor to serve the judiciary with zeal. We also have among us leaders

of various courts. Among them are Judges President Mlambo, Tlaetsi, Musi, Poyo Dlwati, Carelse and Judge Hendricks, who is currently an Acting Justice of this court, as well as Acting Judges President.

Ladies and gentlemen, esteemed guests, one of the key spokes in the will of life is family. Bearing in mind how demanding and isolating the judicial office is, our family life forms the foundation of our support system. It is therefore with joy that I acknowledge the presence of the late Justice Mthiyane’s daughters, Bajabulile Mthiyane, Zamantungwa Nkosi, Zanele Mthiyane, and Ayanda Mthiyane. Also present among us today is the late Justice Hoexter’s wife, Mrs Francis Hoexter. Other members of the Hoexter family present here today are Justice Hoexter’s daughters, Professor Cora Hoexter, and her husband, Mr James Van Heerden, Mrs Winifred Harams and Justice Hoexter’s grandchildren, Theodore Harams and Francis Harams.

These are the people who provided much needed love and support to our two colleagues and kept the home fires burning, thus enabling them to focus on their work and to serve our country. It was heartwarming earlier on to see our older

colleagues' faces beaming with joy when putting faces to the names of family members who were obviously often mentioned with affection and admiration by our two deceased colleagues in yester years. We are truly honored to have members of both families among us today.

We also have among us various representatives of the legal profession and the academia who will also pay tribute to the deceased colleagues, a warm word of welcome to you and we Thank You for honouring our invitation. Your presence here as members of the profession is highly appreciated.

It is an honour to stand before you today as we pay tribute to two towering figures in our legal fraternity, the late Justice Khayelihle Kenneth Mthiyane and the late Justice Gustav Gerhardus Hoexter, their contributions to the legal landscape of South Africa are profound, and their legacies will continue to impact jurisprudence in our law. — De Wet, Free State Legal Practice Council. ■



Judge GG Hoexter's wife, daughter, and grand children attended the Memorial Sitting.



SCA Memorial - President B M Molemela



Justice KK Mthiyane's four daughters attended the Memorial Sitting at the Supreme Court of Appeal.



Judges and Families gathered to honour Justices KK Mthiyane and GG Hoexter.



All I had was a belief in self, family support, legal knowledge, skills, and experience and a positive mindset to succeed as an advocate.”

A UNIQUELY TRANSFORMATIVE JOURNEY

JUDGE T PHEHANE

Judge of the Gauteng Division of the High Court

On 5 September 2024, Judge T Phehane of the Gauteng Division of the High Court, was a guest speaker at the Pretoria Society of Advocates' Annual Meet & Greet event.

The Constitution of the Republic of South Africa is a transformative instrument. The late Chief Justice of the Constitutional Court of South Africa, Justice Pius Langa in discussing the concept of transformative constitutionalism said the following:

“This is a magnificent goal for a Constitution: to heal the wounds of the past and guide us to a better future. For me, this is the core idea of transformative constitutionalism: that we must change”.

Although we think, at times, of transformation within the context of its input — the initiatives started, the judgments written and the policies and practices changed, today I want us to reframe our perspective on transformation. I want us to discuss its impact and its output on the lives of everyday people as they are ultimately the true beneficiaries of our Constitution. This human perspective magnifies the importance of transformation within our country and it is through my own story, both as a beneficiary of and now ultimately as a champion for transformation that I believe we can gain a better understanding of the role we are called to play as judges, practitioners and as citizens of an ever-transforming state. As our country transforms, so too do we and I cannot think of a better time and place to share my story with you.

So, permit me to share with you, hopefully, some insights into my own journey of being uniquely transformative.

There is so much to share, I hope to leave you with a message that will inspire you to look within and discover what it is that makes you unique and to use that as a key to unlock every good opportunity that opens up to you.

I begin with some impactful words from American Author, Marianne Williamson, that Oprah Winfrey, with her unique skill, wove into a very inspiring message that really sums up what I want to leave with you tonight:

Marianne Williamson said:

“Our deepest fear is not that we are inadequate. Our deepest fear is that we are powerful beyond measure. It is our light not our darkness that most frightens us. We ask ourselves who am I to be brilliant, gorgeous, talented, fabulous? Actually, who are you not to be? You are a child of God. Your playing small does not serve the world. There is nothing enlightened about shrinking so that other people won't feel insecure around you.... As we are liberated from our own fear, our presence automatically liberates others.”

Oprah Winfrey expands on these wise words and says the following: You should expect your life to be full and beautiful – expand on your own uniqueness because by magnifying your own qualities, you will ignite your own power to electrify the opportunities around you.

My journey

My transformative journey as a woman in law started as a timid young girl in the North West Province. My position in the family is the youngest child and the only female child.

My brother asked me what I wanted to be when I grew up. I, 11 years old, timid and small answered without hesitation or fear: “A lawyer”.

He laughed and asked: “Like Claire Huxtable?”.

For those of you born before the 90s, you will remember Claire Huxtable as the mother and lawyer in a popular television sitcom. She was kind-hearted but assertive, managing her family and legal career with both ease and confidence. As a young child, I understood a lawyer to be someone who speaks for others. I saw myself in that role.

What I did not see, other than Claire Huxtable, a fictional character on a TV show, was a lawyer who looked like me.

My father noticed my career interest and introduced me to the late Justice Yvonne Mokgoro. At last! Someone who looked like me!

I soon discovered that the term “lawyer” was generalised. I wanted to know what career options were available for a legally trained woman in the changing political landscape in South Africa at the birth of our democracy in the early 1990s. I was fast developing an interest in the values of freedom, fairness, equality, human dignity and rights for all. And I wanted to work in a field that championed these values and interests.

I wanted to be an advocate. Clear as day.

At the time, pupillage was a 6 month course. My lecturer dissuaded me from pursuing the profession of an advocate. He warned that I would not succeed as an advocate and that “I would go hungry because no one would brief me.” In a new and

liberated South Africa, these words came from a place of fear and I responded by not applying for the pupillage programme.

Instead I pivoted to becoming an attorney, joining a small firm as a candidate attorney in 1997. I was the only black woman at the firm. It was difficult.

I persevered. I knew that I needed to be there to learn various areas of the law and the practice of an attorney.

After my admission as an attorney, I joined the then Department of Labour, where I grew from the position of a legal advisor, to various management levels and, where more often than not, I was a young female in leadership positions which did not sit well with many. I needed to be there to learn various pieces of new labour legislation but more so, I needed to learn to be a leader.

I later joined the private sector, putting to work what I had learnt at the Department of Labour. Again, much like during my articles and at the Department of Labour, I was the only woman in a room full of men during wage negotiations and strike disputes who, at times, undermined me despite my experience and knowledge.

As my career flourished, my desire to work as an advocate still lingered and despite a growing family and a stable career, I, finally decided to play big and join the Pretoria Bar.

At that point, pupillage was a 12 month course. The narrative at the time was that black people fail pupillage at the Pretoria Bar. I was determined to change this narrative and I did. I received a lot of flattery about having passed pupillage with no oral. In 2012, in a class of about 45 pupils, only 4 were black females. All of us passed.

The first six years of practice were not easy. I had a young family and I had left a stable job to become a pupil with no salary. The stakes were high, I had to start and maintain a practice. I did not come from a prosperous financial background. I did not have a network of attorneys or advocates to rely on for support.

All I had was a belief in self, family support, legal knowledge, skills, and experience and a positive mindset to succeed as an advocate.

I knew that some of the unique things about me are that I speak, read and write well.

I also knew that one of the unique things about me is that at various stages of my childhood and adulthood, 99.9% of the time, I was in environments where I was the only black, female, young person, a “BFY”. So when I found myself in similar environments in the practice of an advocate, I used being a BFY to my advantage. I saw being BFY not as a hinderance but

as qualities I needed to magnify instead of shrinking:

- I did not act or speak as a male, I brought the female perspective to my work;
- I did not shrink in spaces where I was the youngest person — I made my views known because in a democratic society founded on values of equality and non-discrimination, a young person's views matter.
- I did not shrink because I am black — I brought to the fore, black excellence. Through my work, I was determined to eradicate stereotypical thinking that “black means incompetent”.

As I magnified these qualities, I remained humble and open to learning from others who had been in the game a lot longer than me. Because I held this intentional disposition, I attracted to myself people very different from me physically, but people who, on a human level, wanted to see me succeed and taught me the ropes.

My outlook was to be my authentic self and not to be judgmental of anyone's beliefs, opinions or expressions but to keep focused on learning and growing.

I was focused on becoming a good advocate.

I was observant in Court and in consultations of what I perceived a good advocate looked and sounded like. To me, it is someone whose presence is neat & professional, who speaks with authority, who is respectful, who is prepared and does the best for their client, has read up on the leading and latest authorities and has a good grasp of their case and their opponent's case, who respects judicial process, a person who is calm, who listens, who despite their busy schedule, has time to teach, to impart knowledge and who is willing to open up their network to junior counsel.

This is who I wanted to become. These qualities I have just mentioned have nothing to do with race, gender or age. If you seek these qualities, you attract them and you become that which you attract.

Did I see myself on the bench? No.

I was focused on becoming a good counsel. However, a senior colleague suggested I consider acting as a judge, as he believed I had a contribution to make to the legal profession.

Compared to the voice at the start of my career, this voice was positive and encouraged me to expand, not shrink. And so, my journey took an unexpected turn, or maybe, the turn that I had been preparing for, although unconsciously.

Early years of practice

I want to speak about the early years of practice as an advocate. Yes, the early years are very tough. Months go by quickly, fees are due, bills and taxes are due, and life moves fast. If your focus is on limitation, you stifle your growth. If you believe there is not a lot of work, you will experience lack. If you believe only males are briefed, you will experience that. If you believe only white counsel have the best briefs, you will experience that.

There is much to be said about skewed briefing patterns.

What I know for sure, is that when you have a good work ethic, your clients will always seek you. When you do not know something, have researched the topic and have approached another counsel to bounce off your thoughts, you will be steered in the right direction. When you tell your senior or client that you will have that draft pleading out to him or her by Wednesday noon and you make good on that undertaking and deliver good work, you will be sought after.

Judges too, take note of your drafting and performance in Court, your collegiality towards your fellow practitioners and your diligence in managing your client's matters.

The things I am talking about are not acquired through financial gains or having contacts and friends in high places, instead,

it is your internal qualities and uniqueness, a willingness to learn and a positive attitude which I believe set you apart. ”

In short: it is easy to give in to the negativity, to accept that you are required to shrink and that it is your job to take up as little space as possible. When we work, it is easy to focus on how we do not fit into the status quo of a particular environment and thinking we are not enough. In all of this noise, we forget about our uniqueness, our own voice and ultimately, ourselves. This does not have to be the case, it was not for me and it does not need to be for you.

Concluding remarks

I conclude with the following words:

- Discover for yourself, what it is that is unique about you.
- Expand on your unique qualities and limitless opportunities aligned to your own uniqueness, will open up for you.
- Listen to constructive criticism with humility and take the lessons.
- When you make mistakes, be accountable and do better.
- Be immune to flattery and strive to be your authentic self, always humble.

- Remember: it is your attitude, not your aptitude, that determines your altitude.

Last but by no means least:

I am grateful for the sterling pupillage program at the Pretoria Bar, for my many mentors here, who embraced me, helped me who have contributed to shaping my career. I am grateful to all who have supported my journey to the bench.

Umuntu ngumuntu ngabantu.

I am also grateful for all my colleagues on the bench for their spirit of collegiality that sustains us in our service to our country and to society at large.

My journey has been a long process and it is still unfolding.

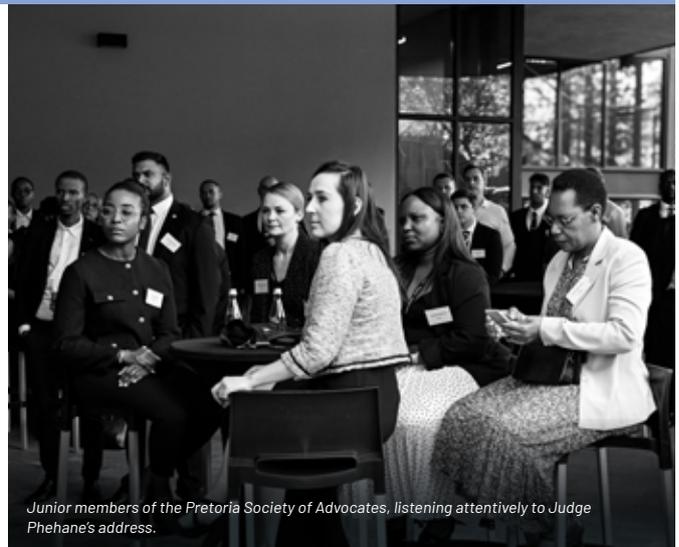
I thank you. ■



PRETORIA



Judge of the Gauteng Division of the High Court, Judge T Phehane



Junior members of the Pretoria Society of Advocates, listening attentively to Judge Phehane's address.



Judge Phehane with members of the Pretoria Society of Advocates.

JUDICIAL APPOINTMENTS & ACHIEVEMENTS

JUDICIAL APPOINTMENTS

CONSTITUTIONAL COURT



Chief Justice M M L Maya
Appointed as Chief Justice of the Republic of South Africa
As of 01 September 2024

SUPREME COURT OF APPEAL



Deputy President D H Zondi
Appointed as Deputy President of the Supreme Court of Appeal
As of 11 July 2024

SUPREME COURT OF APPEAL



Justice R M Keightley
Appointed as Justice of the Supreme Court of Appeal
As of 01 July 2024

SUPREME COURT OF APPEAL



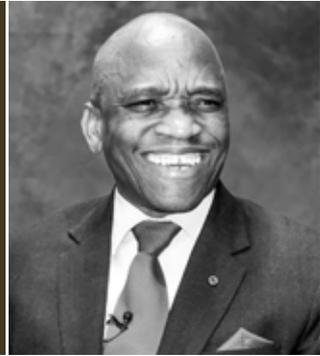
Justice J E Smith
Appointed as Justice of the Supreme Court of Appeal
As of 01 July 2024

SUPREME COURT OF APPEAL



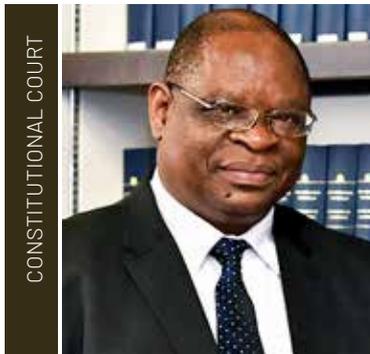
Justice D N Unterhalter
Appointed as Justice of the Supreme Court of Appeal
As of 01 July 2024

NATIONAL DIVISION



Designated Judge - in terms of South African Police Services Act, 1995 M F Legodi (Retired JP)
Appointed as Chairperson of the Advisory Committee on the Criminal Procedure Reform Project
As of 01 September 2024

JUDICIAL RETIREMENTS



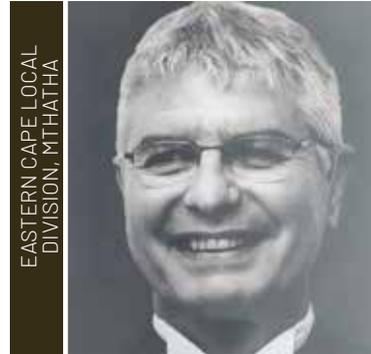
Chief Justice R M M Zondo

Chief Justice of the Republic of South Africa
As of 01 September 2024



Deputy President X M Petse

Deputy President of the Supreme Court of Appeal
As of 11 July 2024



Judge R E Griffiths

Judge of the Eastern Cape Division of the High Court, Mthatha
As of 18 July 2024



Judge B S Spilg

Judge of the Gauteng Division of the High Court
As of 30 August 2024





IN MEMORIAM



Judge S Alkema

Title: Retired Judge of the Eastern Cape
Local Division of the High Court
Passed: 21 August 2024

No Photo
Available

Judge M E Kumleben

Title: Retired Judge of the Supreme
Court of Appeal
Passed: 31 August 2024



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