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MEDIA STATEMENT

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THE PASSING ON OF JUSTICE KHAYELIHLE KENNETH MTHIYANE

The Chief Justice of the Republic of South Africa, Mogoeng Mogoeng, is saddened to officially announce to the nation the passing on of one of the senior retired Justices of our country, the late Justice Khayelihle Kenneth Mthiyane who was, for many years, a member of the Supreme Court of Appeal and was serving as that Court's Deputy President when he retired from active service in 2014. Justice Mthiyane passed away on Thursday, 28 January 2021 after a short illness. Justice Mthiyane's passing occurred within a week after the funeral of his dear wife, Mrs S'thandiwe Mthiyane, who had been unwell for a long time.

On his behalf and on behalf of the entire Judiciary in the country the Chief Justice wishes to convey heartfelt condolences to the children, Jabu, Zama, Zanele, and Ayanda, the entire Mthiyane family and relatives on the passing on of Justice Mthiyane and Mrs Mthiyane.

The late Justice Mthiyane obtained a B.luris degree from University of Zululand (Ongoye) and later obtained his LLB and LLM degrees from the University of Natal (now University of KwaZulu-Natal). He practised for many years as an attorney and later as an advocate in Durban. He had attained the status of Senior Counsel as an advocate when he was appointed as a Judge of the KwaZulu- Natal Division of the High Court in 1997. He was later appointed as a Judge of the Supreme Court of Appeal and, after serving for some years in that court, was appointed its Deputy President, which is the position he held until he retired in 2014. He also served as a Chairperson of the Electoral Court and Chairperson of the Commission of Enquiry into the Remuneration and Condition of Service in the Public Service and Public



Entities. Justice Mthiyane also served as an Acting Justice of the Constitutional Court at some stage.

Justice Mthiyane made a significant contribution to the cause of justice in this country through his work as a Judge (including his contribution to jurisprudence) as well as through the various roles he played in various committees of the Judiciary. He was part of the team of Judges and Magistrates that accompanied Chief Justice Mogoeng Mogoeng on his fact-finding mission in various jurisdiction abroad to study the best practices for the enhancement of, amongst others, access to justice on all-inclusive court automation system (Court modernisation), judicial education, judicial case management and, in some, the effective and efficient court operations.

It bears emphasis that Justice Mthiyane:

- (a) was part of the Chief Justice's team of Judicial Officers who contributed to the conceptualisation of the Court Automation System that the Judiciary are in the process of implementing in our courts.
- (b) he also served as the Chairperson of the Judicial Case Flow Management Committee which recommended the case-flow management system which is currently used by superior courts to enhance access to justice.
- (c) single-handedly drafted the Court-Annexed Mediation report on behalf of the South African Judiciary. That report is about the most effective court mediation system that has enhanced access to justice and the expeditious finalisation of cases in all the countries where it has been used.

Justice Mthiyane was hard-working, a team-player, a humble person and a good leader. The entire Judiciary is grateful to him for all his contributions to its work and will miss him greatly. May his children, the entire Mthiyane family and relatives find strength during this difficult time. Their loss is our loss. Akwehlanga Lungehli!

Ends.

Issued by the Office of the Chief Justice

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