



12 October 2021

MEDIA STATEMENT BY ACTING CHIEF JUSTICE R M M ZONDO: AN ILLUSTRIOUS JUDICIAL CAREER COMES TO AN END

Yesterday, the 11th October 2021 Chief Justice Mogoeng Mogoeng's term of Office as a Justice of the Constitutional Court and as Chief Justice of the Republic of South Africa came to an end and the Chief Justice retired from office. Chief Justice Mogoeng Mogoeng was the fifth Chief Justice to be appointed in democratic South Africa. Yesterday he completed 12 years as a Justice of the Constitutional Court. In September he completed 10 years as Chief Justice of South Africa.

Under his stewardship the Judiciary, as an Arm of State, has taken strides to vigorously protect its independence and prove itself as the guardian of the Constitution. Through his outstanding leadership Chief Justice Mogoeng Mogoeng greatly enhanced the standing of the Judiciary in our country.

In June 1997 he was appointed as a Judge of the North West High Court and in April 2000 as a Judge of the Labour Appeal Court. In October 2002 he was elevated to the position of Judge President of the North West High Court. He was appointed as a Justice of the Constitutional Court of the Republic of South Africa in 2009. He was elevated to the position of Chief Justice of the Republic of South Africa on 08 September 2011. In that capacity he led both the Constitutional Court and the Judiciary.

On behalf of my Colleagues in the Constitutional Court and on behalf of the entire Judiciary in this country I take this opportunity to thank Chief Justice Mogoeng Mogoeng for his excellent service to the Judiciary and to the people of South Africa. He served this country as Chief Justice during some of the most difficult times in our constitutional democracy and was able to lead the Judiciary with courage, integrity and wisdom. Chief Justice Mogoeng Mogoeng began his term of office at a time when many people doubted whether he was the right person for the job and yet it did not take him long to prove that, indeed, he was up to the challenges of the job. In no time he won over many of those who had expressed doubt about whether he would be able to do the job.



During his term of office Chief Justice Mogoeng Mogoeng was a very popular Chief Justice. He often spoke strongly against corruption in both the public sector and the private sector and emphasised the need for ethical leadership in both sectors.

The Chief Justice provided the 2030 Vision for the Judiciary as a contribution to the National Development Plan. This Vision outlined the development plans for the Judiciary, based on the principle of Judicial independence, for the Norms and Standards; Judicial Case Management; Judicial Education; court modernisation and access to justice. It further outlined the Judiciary's preferred Court Administration Model as outlined in the Judiciary's Institutional Models report which was presented to the Executive Authority for its consideration.

Some of the highlights during Chief Justice Mogoeng Mogoeng's term of office were the following:

- the South African Judicial Education Institute – which provides ongoing training for judicial officers – came into operation.
- Norms and standards for the performance of judicial functions were enacted; this milestone was important in order to promote and enhance access to justice. These Norms and Standards are underpinned by the core values of judicial independence and accountability; accessibility; transparency; responsiveness; collegiality and diligence amongst others.
- Judicial Case Flow Management has been institutionalised in the litigation processes in our courts; this enables Judges to manage and control cases so as to expedite them;
- under the Chief Justice's leadership, the process of court modernization was initiated. Under his guidance, Caselines, as an electronic evidence management system, has been successfully rolled out in the Gauteng Division of the High Court. A fully automated case management system, Court Online, will soon be rolled out in all Superior Courts. This is the result of the Chief Justice's belief that an appropriate court-automation system, that will assist to implement electronic-filing and electronic record-keeping, performance-related data capturing, information dissemination or access to information relating to cases and all other matters that affect court operations, will ensure that Justice can be easily accessible and that access to court processes will be enhanced.



- the Chief Justice initiated the Annual Judiciary Report which, since 2018, is released on Judiciary Day; it is through such annual reports that the Judiciary accounts to the public for its performance of its judicial functions.
- the Chief Justice also introduced the National Efficiency Enhancement Committee which he chaired whose object is to prioritise and improve the efficiency and effectiveness of the justice system. Under the NEEC the leadership of the Judiciary, the Executive and other stakeholders collaborate to improve performance of the courts in ensuring justice. The NEEC identifies shortcomings in the justice system and develops measures aimed at addressing those shortcomings.
- the responsibility for the administration of the Superior Courts was transferred from the Department of Justice and Constitutional Development to the Office of the Chief Justice.
- Justice Mogoeng Mogoeng was elected as the President of the Conference of Constitutional Jurisdictions of Africa (CCJA) in 2017. During his term of office as President of the CCJA, Chief Justice Mogoeng Mogoeng, oversaw the rapid growth of the CCJA as a continental body as well as its critical role on constitutional issues in the global arena. The sharp increase in membership was due to Chief Justice Mogoeng Mogoeng's rigorous work in the continent in which he actively sought to recruit jurisdictions that were not as yet members of the CCJA. As the CCJA's President, he also ensured that the CCJA participated in the Conferences of all other continental bodies from around the world and, thus, ensured that Africa's voice was heard on the world stage on constitutional justice matters.
- the Chief Justice led a delegation of senior leaders of the Judiciary in a meeting with the Executive in 2015 when there had been relentless attacks on the Judiciary following the judgment that President Al-Bashir be arrested when he was on a visit to South Africa in accordance with South Africa's obligations under the Rome Statute, and that order was not complied with.

Apart from these achievements, Chief Justice Mogoeng Mogoeng also made a huge contribution to our jurisprudence and wrote some of the most important judgments that have helped to strengthen and promote the rule of law, the supremacy of the Constitution and the Bill of Rights. In this regard the people of South Africa will not forget his judgment in the Nkandla matter, his secret ballot judgment in regard to the vote of no confidence in Parliament and his SARS judgment on racism and many others. It has been said that



the Chief Justice's judgment in the Nkandla matter provided a turning point on accountability and the fight against corruption in this country.

We thank the Chief Justice for leading the Judiciary with distinction, for his humility and for his integrity. We thank him for his outstanding service to the people of this country. We thank his wife and family for giving him strong support during his term of office and for allowing him to devote as much time as he did to the service of the nation.

We wish the Chief Justice everything of the best in his retirement. He deserves a good rest.

Ends.

Acting Chief Justice Ray Zondo

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Media enquiries:

Nathi Mncube

Spokesperson of the RSA Judiciary

C: 0848148364 E: NMncube@judiciary.org.za

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