

10 YEARS
2011 - 2021

SAJEI
South African Judicial Education Institute
Enhancing Judicial Excellence



2
0
2
3

**18TH
EDITION**

**JUDICIAL
EDUCATION
NEWSLETTER**



TABLE OF CONTENTS

1.	Editorial Team	3
2.	From the desk of the CEO	4-5
3.	From the desk of the Editor-in-Chief.....	6-7
4.	Feature: Be more like a woman by Justice Sisi Khampepe	8-11
5.	Tension between the Refugees and Immigration Acts regarding non-refoulment by Judge President Dunstan Mlambo.....	12-14
6.	The Roles of a Judge in Trafficking in Persons Cases by Justice Fiona Mwale, Malawi Judiciary	15-17
7.	Understanding judicial stereotyping and how to avoid it by Justice Fiona Mwale, Malawi Judiciary..	18-21
8.	Women’s increased representation in the Judiciary as an indicator of diversity in judgments by Ms Cherith Sanger	22-23
9.	An appraisal of the role of women in the Judiciary by Advocate Themba Mathebula.....	24-25
10.	My journey as a candidate of the Aspirant Women Judges Programme by Ms Jennifer Marion.....	26-27
11.	SAJEI’S 2023 Flagship Project: Aspirant Women Judges Training Programme by Dr Gomolemo Moshoeu.	28-30
12.	Call for Applications: Second Women Aspirant Judges Programme	31
13.	Introduction of SAJEI Council Members designated by the Magistrates Commission	32-33
14.	Women in leadership roles in the Judiciary	34-35
15.	Summaries of Landmark Judgments by female Judicial Officers	36-38
16.	Norms and Standards	39
17.	Wall of fame: Advocates of judicial education (2015-2017).....	40
18.	List of struck off and suspended legal practitioners	41-43
19.	Upcoming Seminars and Webinars.....	44

EDITORIAL TEAM

Editorial Committee

- Ms. Jinx Bhoola - Editor-In-Chief
- Dr Gomolemo Moshoeu - SAJEI Chief Executive Officer (CEO)
- Ms. Hangwelani Maringa - Production Editor
- Ms. Mampotse Mokgetle - SAJEI Executive Support to the CEO
- Mr. Ian Cox - Regional Court Magistrate
- Ms. Phumelele Shoba - Regional Court Magistrate
- Ms. Lebogang Raborife - Regional Court Magistrate
- Ms. Chetna Singh - Senior Magistrate
- Ms. Sizophila Sokhela - Law Researcher

Contributors

- Justice Sisi Khampepe
- Judge President Dunstan Mlambo
- Justice Fiona Mwale, Malawi Judiciary
- Dr Gomolemo Moshoeu
- Ms. Jinx Bhoola
- Ms. Jennifer Marion
- Ms. Cherith Sanger
- Adv. Themba Mathebula

SAJEI Admin Support

- Ms. Luvuyo Sitsila
- Mr. Themba Richard Mahlangu

Editorial Enquiries

Telephone: +27 10 493 2577

Email: hmaringa@judiciary.org.za

Designed and compiled By:

Mr. Teboho Lehare e-Learning Administrator



@OCJsajeI



Judiciary RSA



OCJ_RSA



TheSouthAfricanJudiciary



Dr Gomolemo Moshoeu

Chief Executive Officer, SAJEI

It is so fulfilling to be working on exiting the position of the CEO after more than 10 years. Nature calls it for one to move on and allow others to also display their innovation and contribute towards the growth of an entity. I have made many mistakes and learnt from them.

This is a special issue as it also recognises the importance of celebrating 100 years of women in the legal profession. Our esteemed Editor-in-Chief, Ms Jinx Bhoola (former Judicial Educator) highlights the appointment of women to the bench and their outstanding landmark judgments. Due to limited space on the Newsletter, we could not list all judgments by female members of the Judiciary. Never-

theless, SAJEI recognizes the hard work of all women in the Judiciary.

It is a great pride and honour that SAJEI has a feature article of one of the exceptional and extraordinary jurist, honourable Justice Sisi Khampepe (former Justice of the Constitutional Court), where she was sharing nuggets of wisdom at the Johannesburg Society of Advocates (JSA) dinner. Justice Khampepe graciously agreed that SAJEI shares the speech, it is much appreciated. *Re a leboga thata motsadi wa rona*. I encourage the readers to pay particular attention to the three qualities of South African women which Justice Khampepe so eloquently explains which are resilience, bravery, and passion.

The issue of illegal refugees is a contentious issue all over the world. Access to justice for refugees and asylum seekers is key in a democracy. It is therefore critical for members of the Judiciary to be kept abreast of the developments relating to refugees and asylum seekers. In this Newsletter, there is an extract from a presentation of honourable Judge President Dunstan Mlambo delivered at the Judges seminar in Cape Town (2023) where he explains the basic concepts and provides a brief overview of the Refugees Act No 130 of 1998. There will be a continuation in the next edition.

SAJEI prides itself in stakeholder liaison and networking. It has established a good relationship with Judicial Training Institutions (JTI's) and well renowned jurists on a Regional and international level. It is not surprising that this edition has two contributions made by an exceptional jurist from the Malawi Judiciary, honourable Justice Fiona Mwale. In this edition, there is an extract of Justice Mwale's presentation on Trafficking in Persons delivered at Judges seminar in Cape Town (2023) as well as a short

comprehensive article on Judicial stereotyping also by Justice Fiona Mwale. Stereotyping is prevalent at all levels of society. SAJEI strives to raise awareness of the Judiciary on topical and pertinent issues. In terms of section 10(2)(b)(iii) of SAJEI Act 14 of 2008, the Council should establish contact with academics. SAJEI has reached out to the academics to contribute to the Newsletter. We are pleased to have received two articles from University of Limpopo and University of Western Cape, respectively. They are discussing representation and role of women in the Judiciary.

One of the candidates who participated in SAJEI's 2023 flagship training programme, Aspirant Women Judges has shared her experience and expressed her gratitude. SAJEI also provides a comprehensive overview of the programme and applauds honourable former Deputy Judge President Mathale Mojapelo, the Lead Coordinator for excellent leadership. Despite challenges, the Lead Coordinator soldiered on and ensured that the programme is successfully delivered. SAJEI will be calling for other applications.

Lastly, SAJEI introduces the four Magistrates who have been designated to serve on the SAJEI Council by the Magistrates Commission. They are applauded for doing a sterling job. To the women in the leadership of the Lower Court Judiciary, SAJEI commends you for flying the flag higher.





Ms Jinx Bhoola
Senior Magistrate

Celebrating 100 Years of Women in the Judiciary

Our theme for this month is celebrating the 100 years of women in the Judiciary and the valuable contributions made by women Justices, Judges, Regional Court Presidents, Chief Magistrates and Magistrates. Whilst April 2023 marked 100 years since women were allowed to enter the legal profession as practitioners, August 2023 is traditionally known as women's month in South Africa, where women are celebrated and honoured in all spheres of life nationwide. This newsletter displays a flurry of case law and articles on the contributions and appointments of Women on the bench since 1994.

Sections 165 to 180 of the Constitution deal with courts and the administration of justice. The Judiciary forms an arm of government. The Judiciary is independent and answerable only to the Constitution.

Women were traditionally not permitted to practice law, as it was deemed to be a profession for our male counterparts. With the dawn of democracy and in 1994, there were only two women on the bench.

They were both white: Judge Leonora van den Heever and Judge Jeanette Traverso. The first black woman Judge was Johannesburg's Judge Mokgadi Mailula, who was also appointed in 1994, and this was followed by the appointment of the first Constitutional Court Justice Yvonne Mokgoro.

In recent times, there has been tremendous strides towards achieving gender parity in the Judiciary, particularly in leadership positions: Justice Mandisa Maya was the first black woman appointed to the Supreme Court of Appeal (SCA) in 2002. She subsequently went on to become the first black woman Deputy President of the SCA (2015 – 2017) and was elevated to the position President of SCA (2017 – 2022). In 2022, history was made when she was appointed as the first woman Deputy Chief Justice of South Africa. This announcement was welcomed with joy and jubilation as it was consistent with section 1(a) of the Constitution of the Republic of South Africa which provides, "The Republic of South Africa is one sovereign, democratic State founded on the following values: "human dignity, the achievement of equality and advancement of human rights and freedoms."

Her successor as President of the SCA is also a woman, Justice Mahube Molemela (2023 - present). Justice Molemela was previously the Judge President of the Free State High Court. Her appointment as President of the SCA also advanced the Bill of Rights as enshrined in the Constitution.

Judge Monica Leeuw became the first woman Judge President of a High Court in 2010, when she was appointed to lead the North West High Court. Since then, three other High Court Divisions have been led by women, these are: Free State Judge President Mahube Molemela (2018 - 2021), KwaZulu-Natal Judge

President Thoba Poyo-Dlwati, (2023 – present) and Mpumalanga Judge Segopotje Mphahlele (2023 – present).

Judge Lebogang Modiba is the first woman Judge President of the Special Tribunal, a specialised Judicial body to recover public money lost to fraud, corruption and maladministration.

Several women Judges currently hold Deputy Judge President positions which are leadership positions that are necessary for the functioning of the High Courts across the country. These are Deputy Judge President Martha Mbhele (Free State High Court), Deputy Judge President Patricia Goliath (Western Cape), Deputy Judge President Violet Phatshoane (Northern Cape) and Judge Matsaro Semenya (Limpopo High Court).

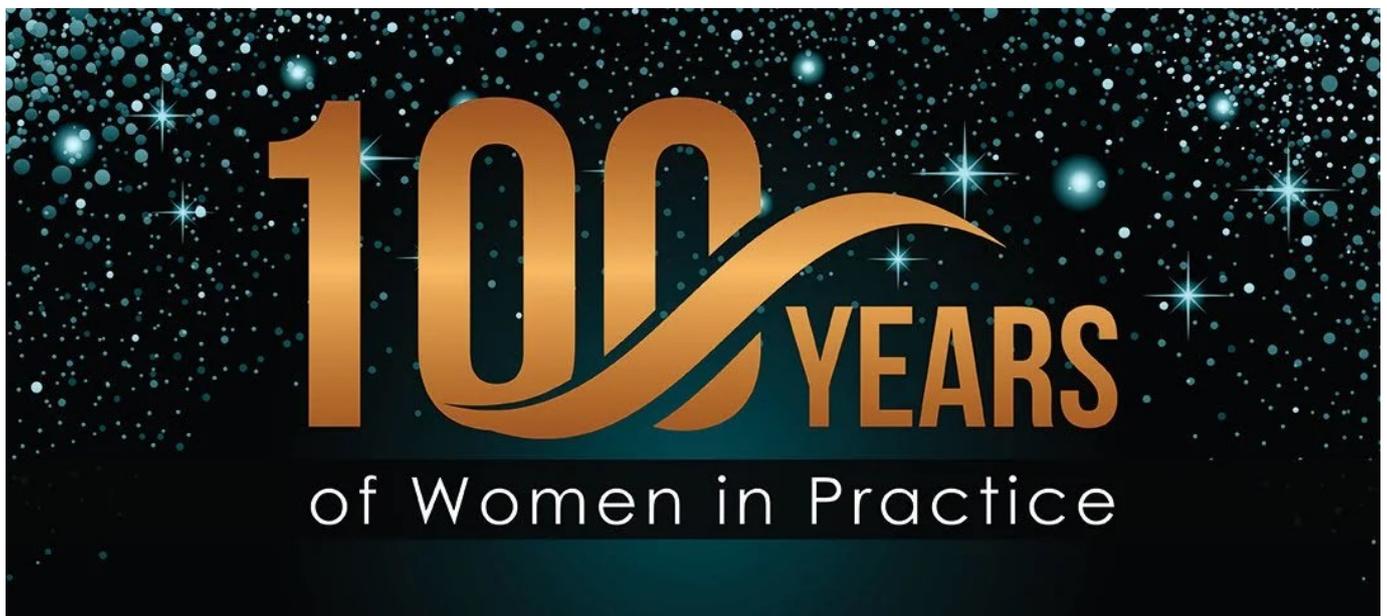
A cursory overview into the Lower Courts indicate that, as at June 2022, 51% of Magistrates nationwide are women and 75% of these appointments are black. When considering women in leadership levels, four of the eight permanent Regional Court Presidents who head up Regional courts across all nine provinc-

es are women. Of the sixteen Chief Magistrates, ten are women. This illustrates that the Lower Court Judiciary is ensuring gender parity by securing women in leadership positions.

Gender justice and gender parity are imperative in advancing a transformed judicial system, principles of equality and the Rule of Law. The role of women on the bench cannot be ignored considering our country's diversity and the struggle to advance Constitutional imperatives. Women play a key role in the advancement of these rights.

I want to acknowledge the role played by Dr Gomolemo Moshoeu, the Chief Executive Officer of SAJEI, who selflessly supported the judiciary on the implementation of judicial training of Magistrates and Judges in upskilling women by providing quality training at the institute to the Judiciary.

To all women in the Judiciary, continue with the sterling job, excel with excellence, be purposeful in upskilling fellow women and usher in the next generation with the vision of equality and advancement of gender justice.



BE MORE LIKE A WOMAN BY JUSTICE KHAMPEPE

Speech delivered at JSA dinner



Justice Sisi Khampepe

1. Good evening Adv. Seleka and members of the Bar. It is an honour to be here tonight. Thank you for the honour you have bestowed upon me and for giving me this opportunity to address this illustrious audience. It is particularly special to have my brothers and sisters from the bench, my husband Siza and my daughter Gugu, with us this evening. Thank you for attending

“If there is one calling in the world for which women are conspicuously unfitted, it is the law... Women have no idea of relevance, analogy, or evidence.”

2. This statement, was published in the early 1900s in the South African Law Journal. It was not considered shocking. In fact, this was a commonly held view by members of the Bar and the Judiciary – made up, as they were, of men. The Appellate Division, as it was then, had, in a similar vein, just a few years prior, quoted from van Leeuwen’s Roman-Dutch Law that:

“Nearly the whole of womankind by reason of an inborn weakness is less suited for matters requiring knowledge and judgment than men.”

3. Today, I look around this room - proud and perhaps even a little smug – in the knowledge that the women here tonight are just a few examples, of why

the men who wrote those words could not be more wrong.

4. In my short address to you tonight, I will not debate why women are well-equipped for the law or why we deserve a seat at the proverbial table. Rather, I suggest what, in my view, the Bar as a whole can learn from women, and especially from women in law.

5. Every day in South Africa, women show us how to face challenges with grace, perseverance and quiet determination. Being a woman, means overcoming adversity and never giving up, no matter what is thrown at you or how many people doubt you – it means facing the attitudes given expression in the words I have quoted. The same traits that women use to overcome these challenges, are those that all advocates need in order to be successful at the South African bar – not only for their own careers, but in fulfilling the duty bestowed on the legal profession to uphold equality, dignity and the rule of law.

6. I have chosen three qualities, that I see in South African women, and particularly in South African lawyers, that in my mind, are central to a successful career at the Bar:

6.1. The first is resilience in face of hardship.

6.2. The second is bravery to speak the truth.

6.3. The third is embracing and harnessing passion.

7. If you would indulge me, I would like to elaborate, briefly, on each of these.

Resilience in the face of hardship

8. Be more like a woman: face hardship with resilience.

9. No matter how often the world pushes women down, we get up, we shake it off, and we go again.

BE MORE LIKE A WOMAN BY JUSTICE KHAMPEPE

Speech delivered at JSA dinner

10. In my first class at law school, my lecturer exclaimed that there were too many women in the class. He advised us to rather look to join other faculties or face failure. Of course, I didn't listen to him. When I was then starting out as a young black female lawyer in the early 80s, I applied to all of the leading law firms that conducted practices in the field of labour law, as this was what I was interested in specialising in as an attorney. I was turned down by almost all of the firms that I applied to. But I managed to get an interview with one of the leading firms. I prepared for the interview with gusto and excitement.

11. I remember arriving for the interview, ready to prove that I would be an asset to the firm, prepared to promise – like all young lawyers do – to work hard, dedicate my time and energy to clients, and give my all. I was filled with excitement and with hope.

12. As I walked in, however, the lawyers interviewing me told me that they had called me in merely because they were curious to see this woman who “claimed” to have a Master's degree from Harvard Law School. I felt as if a bucket of ice water had been poured over me. My hopes, my aspirations, all the pride that I had felt in getting the interview, the hours of preparation I had put in, the outfit I had spent hours deciding on – all shattered. I was hurt and disappointed. Immediately after the interview, I resigned myself to leave the legal profession. I had been offered a job as a student coordinator in the United States of America and I decided to leave both the law and South Africa. But then I spoke to Helen Suzman, along with Arthur Chaskalson and Godfrey Pitje, who persuaded me to persevere. I thereafter got articles at Bowmans and so began my profes-

sional career. Immediately after my articles, when I was admitted as an attorney in 1985, I began my own law firm – SV Khampepe Attorneys – still fuelled by wanting to prove to those men in that first interview that this is what a woman who has a master's degree from Harvard Law School can, and will, do.

13. I am not unique – this is just an illustration of what qualified women who wanted to put their training to work have had to face and overcome. I have no doubt that this is a story with which many women in this room can identify, and which even young women in law today experience, although perhaps in more subtle forms. I am told that briefing patterns and fee structures at the Bar, still greatly differ on the basis of gender. And I have no doubt that the women in this room have faced similar experiences, and have gritted their teeth, steeled themselves and carried on, heads high.

14. The ability to pick oneself up after being pushed down or failing is central to success as an advocate. In this profession, there is no place to run to, and no time to dwell on losses or hurdles that may arise. Some of the best advocates that appeared before me in the Constitutional Court, were those with cases that had been running for years – where they had been defeated in the lower courts, subjected to sometimes scathing criticism by my brothers and sisters in Bloemfontein, and yet still stood tall before the 11 of us at the Constitutional Court, fearlessly fighting for their cause, taking our comments and questions bravely on the chin.

15. My first piece of advice to you, then, is be more like a woman: face hardship with resilience.

Speak the truth

16. “Be more like a woman: speak the truth, even

BE MORE LIKE A WOMAN BY JUSTICE KHAMPEPE

Speech delivered at JSA dinner

when people don't want to hear it from you.”

17. No one in this room is under any illusion about the challenges facing South Africa today. The legal profession, lawyers and the courts, face almost daily onslaughts from political parties, government, civil society and even from within our own ranks. The only way that we, as a profession, can withstand this onslaught, and maintain our critical role in guarding and enforcing the Constitution, is to never shy from speaking the truth, no matter the consequences that may follow. It is our duty to hold the truth torch high. Only by shedding light through truth, can much-needed change occur.

18. For centuries women's voices have been dismissed because it is a woman speaking, but we would not be here today, if those women didn't keep talking and writing, regardless of how it was received.

19. When I was appointed to the Truth and Reconciliation Commission in 1995, I saw first-hand the value of truth telling and the importance of this for the recovery of our nation. Many people would rather look away from the atrocities that were laid bare before the TRC, but exposing the truth of them was powerful. It is something that I have carried with me throughout my career.

20. When I think of truth telling – and of bravery to speak out – I cannot help but think of our sister, Advocate Thuli Madonsela. Before her appointment in 2009, the office of the public protector and the powerful role it can and should play in our constitutional democracy, was all but lesser-known to the general public. But when Advocate Madonsela was appointed to the position, South Africans were shown the might that one woman's voice can bear.

21. And, indeed, truth-telling is a duty that all of you bear too. As I reminded the country in one of my last

judgments for the Court:

“It is the lofty and lonely work of the Judiciary, impervious to public commentary and political rhetoric, to uphold, protect and apply the Constitution and the law at any and all costs.”

22. The Bar is central to the work of the Judiciary. As judges, we rely on all of you to frankly place the truth before us. We expect and we need counsel to have integrity and speak the truth – to face the problems with their own cases frankly, to argue their position without fear for how they or their clients' may be perceived. We, judges, can only perform our duties independently, without fear or favour, if counsel does the same. The interconnected web of attorneys, advocates and justices requires each spoke in the wheel to be unimpeachable and unwavering.

23. My second piece of advice, then: “be more like a woman: speak the truth”.

Be passionate

24. Be more like a woman: be passionate.

25. Being passionate is a characteristic often described as a weakness of women – you are too emotional, you care too much, you are too passionate. But emotion, care and passion can be channelled into an unstoppable energy. These form the wind that lifts our wings. Indeed, it is often our passion that enables us to perform what would otherwise be impossible.

26. It was during a vacation job during my university holidays at the Industrial Aid Society that, as a young woman, I witnessed the dehumanising way in which employees were treated by their employers. It was this experience that sparked my passion for labour law. I was resolute that I would fight for the rights of these employees in the workplace. This passion has stuck with me over my many years in law. It grew into a wider passion for human rights, and es-

BE MORE LIKE A WOMAN BY JUSTICE KHAMPEPE

Speech delivered at JSA dinner

pecially the rights of those in vulnerable positions in society, such as women and children. I have never viewed my passion as a weakness and I hope none of you do either.

27. If I may be so bold: passion is fundamental to a life at the bar. The life of an advocate is challenging. In South Africa, it is harder still, because you owe it to your fellow South Africans, to use your work to make a positive change to our nation.

28. Passion keeps us indignant about injustice. Passion holds hands with Truth and says: “we can do this, I am right here beside you”. Passion picks us up when we are pushed down. It fuels us through sleepless nights and mental challenges. Passion says: “take the next step”. Passion says: “it is all worth it.”

29. The life of an advocate is not a career that one can do half-heartedly. This is a vocation, a calling. And it comes with great responsibility in the new South Africa. We will not let the courts in our constitutional dispensation sit by, as some may have done in the past. Every time you draft papers or stand up to make submissions, let passion fire you and remind you of the greater role you are playing in society, however small the particular matter may be.

30. And so my third piece of advice is this: “be more like a woman, be passionate”.

31. And this brings me to the end of my short address tonight.

32. It has been an honour to stand before you at this event. The Johannesburg Society of Advocates was the first bar that admitted a woman – Irene Geffen – in December 1923. It was also the first bar to admit a black woman – Mokgadi Lucy Mailula, in February 1987, who later became the first black woman judge in a South African High Court in 1995. She paved the way for all of us, making it possible for me to

join the bench just 5 years later in 2000. And so everyone here tonight is exceptionally privileged to be part of this Bar, and I hope that it continues to be at the forefront of important changes in our society.

33. I hope each and every one of you, use your privileged and powerful positions as members of the JSA, officers of the court, custodians of the rule of law and guardians of the Constitution, to always stand firm against injustice, to never shy from taking society’s burdens on your shoulders, and, importantly, to channel your inner woman: always bounce back from failure, speak the truth, no matter the consequences, and never lose your passion.

34. I would like to conclude by amending the two statements I read to you at the start of my speech, so that they ring more true:

34.1. “If there is one calling in the world for which women are conspicuously fitted, it is the law... Women are equipped with resilience, bravery and perseverance;” and

34.2. “Nearly the whole of womankind by reason of an inborn strength is well-suited for matters requiring persuasion, knowledge and judgment.”

35. To all of you tonight, I implore you: be more like a woman.





Judge President D Mlambo

1. Introduction

In his paper delivered at the Judges' Seminar in 2023, Judge President Dunstan Mlambo considered the application of the Non-Refoulment principle by South African courts in particular the Constitutional Court and the Supreme Court of Appeal, and how these Courts have applied the provisions of the Refugees Act 140 of 1998 ("Refugees Act") and the Immigration Act 13 of 2002 ("Immigration Act") and whether there is any tension between the two Acts. This was done through the consideration of three cases, namely -

- *Ruta v Minister of Home Affairs*¹
- *Abore v Minister of Home Affairs and Another*²; and
- *Asheba v Minister of Home Affairs and Others*³

Asylum seekers are defined as persons seeking recognition as refugees in the Republic.⁴ In the ordinary meaning, an asylum seeker is one who flees their country of origin because of persecution or threats to their life, safety or freedom to seek refugee status in another state or territory. While waiting for a decision on their application for refugee status, they are recognised as asylum seekers and have certain rights under international and domestic law.

A refugee is any person (asylum seeker) who has been granted asylum in terms of the Refugees Act – a documented foreign national.

2. The Refugees Act

The Refugees Act was adopted in 1998 and has the following four main objectives:

- to give effect within the Republic of South Africa to the relevant international legal instruments, principles and standards relating to refugees;
- to provide for the reception into South Africa of asylum seekers;
- to regulate applications for and recognition of refugee status; and
- to provide for the rights and obligations flowing from such status.

Benefits of applying for status and grant of status

Upon application, an asylum seeker is granted full protection against any proceedings arising from being an asylum seeker. Even after rejection of his/her application, an asylum seeker still enjoys full protection if he has appealed the rejection decision. Upon grant of status, full protection and rights are conferred to the applicant save those reserved for citizens i.e. work, education, health, engagement in business etc.

Refugee status is not permanent, it ceases for a number of reasons e.g. when the threat has dissipated (Angolan refugees), or the refugee has re-established himself in his country of origin or when the Minister revokes the grant of status e.g. abuse of asylum process.

3. The Immigration Act

The Immigration Act defines an “illegal foreigner” as an individual in the Republic in contravention of the Immigration Act and creates offences against illegal foreigners. The Immigration Act further defines “visa” as the authority to temporarily sojourn in the Republic for purposes of ... (1) applying for asylum as contemplated in section 23. Section 23 allows the Director General of Home Affairs to provide a transit visa to a person claiming to be an asylum seeker at an official port of entry but if that visa expires before they apply for refugee status, they are deemed an illegal foreigner

Sections 32 and 34 allow for the detention and deportation of illegal foreigners. Sections 8 and 31 allow for a review of a decision declaring one to be an illegal foreigner and exemptions that can be granted by the Minister.

4. What Is Non-Refoulement

Non-refoulement is the complete bar to the deportation of persons to countries where they will be subjected to physical harm or death. It is firmly entrenched in international customary law that any person who seeks asylum in another country cannot and should not be refouled to a country in which he says he faces harm or death⁵. South Africa’s main international obligations on non-refoulement are those arising from:

- Article 14 of the Universal Declaration of Hu-

man Rights (1948).

- Articles 1 and 31 of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.
- Articles 2 and 7 of the International Covenant on Civil and Political Rights (1966).
- Articles 1 and 2 of the Organisation of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa (1969).
- Article 12 of the African Charter on Human and People’s Rights (1981).
- Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

5. Case law

Ruta v Minister of Home Affairs

Mr. Ruta, a national of Rwanda, unlawfully entered South Africa by crossing the border into South Africa from Zimbabwe, without a visa. 15 months later, he found himself arrested for road traffic violations, where it was found he was not lawfully in the country. He was also in possession of a fake asylum permit. While imprisoned for the offences, the Department of Home Affairs sought to deport him to Rwanda in terms of the Immigration Act. Mr. Ruta countered by launching a successful urgent application in the High Court, which interdicted his deportation and ordered that he be allowed to apply for asylum. The Department of Home Affairs appealed to the Supreme Court of Appeal (“SCA”), where the Court found that the delay by Mr. Ruta was unreasonable which rendered him liable to be dealt with as an illegal foreigner in terms of the Immigration Act. The

TENSION BETWEEN THE REFUGEES AND IMMIGRATION ACTS REGARDING NON-REFOULMENT

SCA endorsed a High Court decision⁶ that expressed great concern of the asylum process being abused by applicants who only applied when the law caught up with them.

Mr. Ruta's appeal to the Constitutional Court ("CC") was upheld. The CC unanimously held that the SCA was incorrect in ignoring its previous decisions⁷ that unequivocally stated the law in relation to the principles of non-refoulment and delay. It also held that section 2 of the Refugees Act places the principle of non-refoulment above any other provision in the Refugees Act or any other law, including the Immigration Act. The CC reaffirmed that delay is not a bar to an application for asylum and that such protection was triggered by the intention to apply as provided in regulation 2(2).

Judge President D Mlambo's presentation will be continued in the next edition of the Judicial Education Newsletter (19th edition) wherein he discusses the amendments to the Refugees Act and the two further judgments as well as a comparison of the previous and current positions and the tension between the two Acts.

¹2019 (2) SA 329 (CC).

²[2021] ZACC 50.

³Section 1 of the Refugees Act.

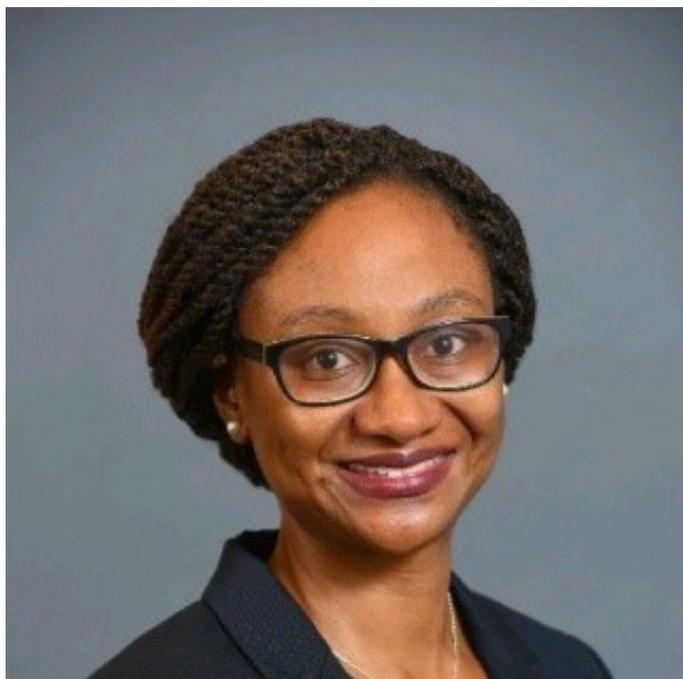
⁴Section 1 of the Refugees Act.

⁵Section 2 of the Refugees Act.

⁶*Kumah and Others v Minister of Home Affairs and Others* 2016 (4) All SA 96 (GJ).

⁷*Ersumo v Minister of Home Affairs & others* [2012] ZASCA 31; 2012 (4) SA 581 (SCA), *Abdi & Another v Minister of Home Affairs & others* [2011] ZASCA 2; 2011 (3) SA 37 (SCA), *Bula & others v Minister of Home Affairs & others* [2011] ZASCA 209; 2012 (4) SA 560 (SCA) and *Arse v Minister of Home Affairs & others* (2010) (7) BCLR 640 (SCA).





Justice Fiona Mwale, High Court of Malawi

1. Modern Day Slavery – A New Phenomenon?

Judicial decisions in trafficking cases require more than a knowledge of the technical elements of the crime. They require an understanding of the fundamental values which lie at the root of the crime and the socio-economic realities which fuel it. In addition, they require, an understanding of the typical substantive and evidential issues which tend to arise in cases across the globe.

2. Philosophy and Values

What are the values at the base of trafficking in persons? It is the protection of autonomy, dignity, and freedom. This can be seen by way of the Constitution which explicitly prohibits slavery and forced labour, which are allied crimes to trafficking in persons, in its chapter on "fundamental human rights and freedoms".

Why does trafficking attack the autonomy, dignity and freedom of human beings? This is because traf-

ficking is a form of modern slavery. It aims at using human beings as if they are tools for economic gain. It is the antithesis of what lies at the root of the German philosopher Immanuel Kant's world view by which one should, "act in such a way that you treat humanity, whether in your own person or in the person of another, never merely as a means to an end, but always at the same time as an end." (Kant, "The Critique of Practical Reason"). It is for this reason, that some States classify trafficking as a crime of violation of freedom, as do Poland and Israel, or a crime against humanity and other values guaranteed by international law, as do Montenegro and Australia.

Trafficking can be undertaken for any number of goals: prostitution, slave labour, removal of organs. The common denominator among all forms of trafficking is using human beings as if they were objects, rather than treating them as subjects of rights. This basic insight can help judges differentiate between cases of trafficking and other crimes. A case which does not seem to affect the dignity, autonomy or freedom of the victim, may not have made the leap to the heinous crime of trafficking.

3. The Importance of The Socio-Economic Background

Understanding the social reality in South Africa is therefore an important first step in the Judicial Officers' role of identifying victims, so that they can be protected during proceedings and address their concerns and needs in their rulings. The socio-economic background offers explanations as to why victims find themselves in such situations and why they behave in the ways they do, for example:

- victims may believe their trafficker's entice-

ments to accept what might otherwise seem ludicrous offers because poverty leaves them no alternatives but to migrate;

- victims may believe any story that entices them to migrate and to not check the information because they are desperate for a better life and want to believe that life will be better;
- globalization and the need for travel places any traveler at risk to trafficking, even the most seasoned traveler legally abroad is vulnerable in a strange country and may be abducted by those who pretend to offer help;
- nationally, within the African cultural and religious context, respect for elders and fear of witchcraft as well as religious patronage to “Men of God” in the growing megachurches across the continent allows perpetrators to exploit victims in a number of ways that may not enable the victims to seek help;
- economic migrants working long hours, for extremely low pay and live in deplorable conditions would rather tolerate the exploitation than report the abuse and risk deportation;
- migrants or local labourers especially men who work in factories, farms, fishing industry or any other enterprise under exploitative conditions do not readily self-identify as victims and will present in labour disputes;
- victims may be willing to endure inhumane conditions for cultural fear of shame of returning home as failures or as persons who have been violated;
- illegal immigrants who have children with nationals cannot claim maintenance for their

children and are forced to prostitute themselves for survival; or

- vulnerable women of low socio-economic status (e.g. from rural areas, neighbouring countries etc.) who are kept in debt bondage and are introduced to drugs so that they are dependent on their traffickers to sustain the habit.



In summary, appreciating the social context is key to recognizing groups that may be vulnerable due to their situation, thereby raising red flags which the Judicial Officer should not ignore. The Judicial Officer should therefore take extra care whenever such vulnerable persons appear in the court room so that they can be assisted.

STOP
TRAFFICKING
IN PERSONS

4. Potential Red Flags

Demographic	Particular vulnerabilities in their background	Type of trafficking they are susceptible to
Girls and young women (11-25 years)	<ul style="list-style-type: none"> • Young age • Orphans • Abused very early, broken/dysfunctional home/lack of family support • Poverty • Conflict/environmental • Mentally disabled • Substance addiction • Low education 	<ul style="list-style-type: none"> • Sexual exploitation • Forced marriage (commercial and ukuthwala) • Domestic servitude • Child sex tourism (children) • Organ removal • Forced labour • Debt bondage • Forced crime • Exploitative begging • Organ removal • Illegal adoption (children)
Migrant women	<ul style="list-style-type: none"> • Illegal immigrants • Refugees/asylum seekers • Low education 	
Domestic workers	<ul style="list-style-type: none"> • Poverty • Low education 	
(Itinerant) farm, factory, industrial etc. labourers (especially men)	<ul style="list-style-type: none"> • International migrants (especially illegal immigrants) • Local migrants • Low education 	
Boys	<ul style="list-style-type: none"> • Poverty • History of abuse or dysfunctional family • Substance addiction • Low education 	

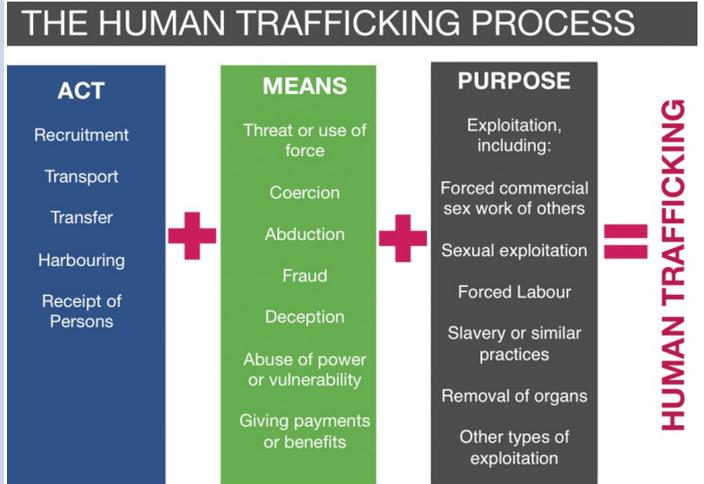
5. Differences between Trafficking in Persons and Smuggling of Migrants

	Trafficking in persons (adults)	Trafficking in persons (children)	Migrant smuggling
Victim's age	Over 18	Below 18	Irrelevant
Mental element	Intention	Intention	Intention
Material element	•Act •Means • Exploitative purpose	•Act • Exploitative purpose	• Act: Procurement of illegal entry
Consent of the trafficked or smuggled person	Irrelevant once the means are established	Irrelevant. Means do not need to be established	Purpose: For financial or other material benefit
Transnationality	Not required	Not required	The smuggled person consents to the smuggling
Involvement of an organized crime group	Not required	Not required	Possible

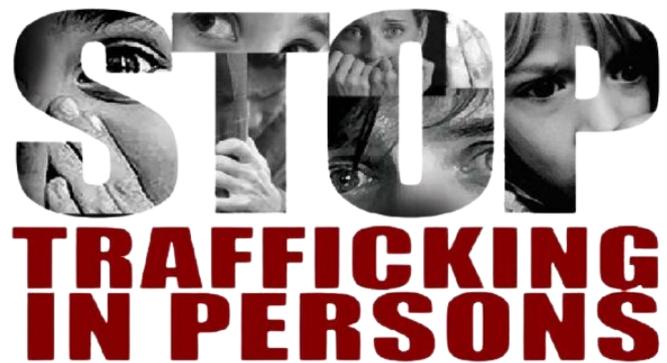
Source: UNODC Vienna, Anti-human Trafficking Manual for Criminal Justice Practitioners. Module 1. Definition of Trafficking in Persons and Trafficking of Migrants. United Nations, New York, 2009.

6. The Human Trafficking Process

Human trafficking is a crime that occurs much more as a process rather than as an event.



Justice Mwale's presentation will be continued in the next edition of the SAJEI Judicial Education Newsletter (19th edition) wherein she discusses types of exploitation, the national legal framework, the role of Judicial Officers in combatting TIP cases, judgments, tools and indicators to identify victims as well as dealing with evidential challenges.



UNDERSTANDING JUDICIAL STEREOTYPING AND HOW TO AVOID IT



Justice Fiona Mwale, High Court of Malawi

To understand judicial stereotyping, one must start with understanding stereotyping itself. Stereotyping is the practice of using or ascribing to an individual certain characteristics or roles on the sole criteria of his or her membership of a particular social group. It is a mechanism that underlies discrimination and the most dangerous thing about it is that it is hidden and connected to our unconscious mental processes. Most people do not realize when they are stereotyping and so in the courtroom, it is vital that Judicial Officers are very aware of their implicit and explicit bias and demeanor as this often gives away how they view the persons who appear before them. For the survivor of gender-based violence the implications of bias are very damaging not only to the case itself but also to the well-being of the victim, who finds the justice system as an extension of the oppressive and violent world she seeks refuge from.

The victim may be perceptive of slight nuances in

language and the manner in which she is addressed, how her appearance is judged not only by the Judicial Officers, but by everyone in the court room. Simple instructions like “narrate your story” could be taken to mean what she has to say is a “story” and will not be believed. How questions are phrased could demonstrate an implicit bias towards the accused especially when linguistic avoidance is used to describe “the event” perpetrated on her. More direct language on the sexual assault the victim has suffered at the hands of the accused should be used. This is where a victim centered approach is necessary, using laws of criminal procedure to ensure that the survivor is able to testify to the best of her ability.

The terms victim and survivor are often used interchangeably but either could be offensive to the survivor or victim. It is good for the Judicial Officer to determine preference and decide which term validates the victim’s experience. There are many cases where the Judicial Officer has downright underplayed the victim’s experiences with references to what she was wearing, mitigated sentence or given bail because the accused had agreed to marry the victim and concentrated on previous sexual behavior as an indicator that the victim is not a morally upright person and therefore “deserved” what came to her.

Why Judicial Stereotyping Should Be Avoided

The stereotype of the ideal sexual assault victim disqualifies several accounts of lived experiences of sexual assault. Rape myths undermine the credibility of those women who are seen to deviate too far from stereotyped notions of chastity, resistance to rape, having visible physical injuries, behaving a certain way, reporting the offence immediately, etc.¹

UNDERSTANDING JUDICIAL STEREOTYPING AND HOW TO AVOID IT

Judicial stereotyping should be avoided because it:

1. Compromises the impartiality and integrity of judicial decisions; this can result in miscarriage of justice and secondary, victimization in the judicial process.
2. Influences judicial views about witness credibility and legal capacity of witnesses.
3. Distorts judges' perceptions and understanding of gender-based violence and whether a human rights violation has occurred.
4. Impedes access to legal rights and protections.

How Can Courts Avoid Judicial Stereotyping?

Stereotyping cannot be eliminated without a conscious effort to deal with it. There must be a conscious effort on the Judicial Officer to act upon the evidence and not any pre-conceived ideal about how things are supposed to be. Relevance is an important test for all the actions, conduct and evidence that the Judicial Officer permits in the case.

This Court therefore holds that the use of reasoning-language which diminishes the offence and tends to trivialize the survivor, is especially to be avoided under all circumstances. Thus, the following conduct, actions or situations are hereby deemed irrelevant, e.g. - to say that the survivor had in the past consented to such or similar acts or that she behaved promiscuously, or by her acts or clothing, provoked the alleged action of the accused, that she behaved in a manner unbecoming of chaste or "Indian" women, or that she had called upon the situation by her behaviour, etc. These instances are only illustrations of an attitude which should never enter judicial verdicts or orders or be considered relevant while making a judicial decision; they cannot be reasons

for granting bail or other such relief. Similarly, imposing conditions that implicitly tend to condone or diminish the harm caused by the accused and have the effect of potentially exposing the survivor to secondary trauma, such as mandating mediation processes in non-compoundable offences, mandating as part of bail conditions, community service (in a manner of speaking with the so-called reformatory approach towards the perpetrator of sexual offence) or requiring tendering of apology once or repeatedly, or in any manner getting or being in touch with the survivor, is especially forbidden.²

As a useful tool, Judicial Officers can rely on the European Court of Human Rights' three-prong approach to judicial stereotyping: -

1. **Not rely on harmful sender stereotypes in its reasoning.**

Unmasking

Judicial Officers should make adverse consequences of stereotyping and state obligations clear so that the jurisprudence clearly shows what should be avoided and how it affects victims.

2. **Name gender stereotyping wherever it occurs**

At national level and proceed against it as a damaging form of discrimination. Unless we are bold enough to call a spade a spade, stereotyping remains in the back rooms of the subconscious where it cannot be dealt with.

3. **Take steps to combat**

Provide reasoning that shows how the law can be used to empower the victim. Laws of criminal procedure provide legitimate ways in which the rights of the victim can be protected from an unfriendly court room environment. Traditionally the criminal justice system has been skewed towards

UNDERSTANDING JUDICIAL STEREOTYPING AND HOW TO AVOID IT

protecting the rights of the accused and this has over the years translated into an inadvertent practice in which the victim's needs are not considered as an important part of their journey to seeking justice.

There must be a conscious effort to use court management skills to control proceedings so that the victim is not doubly victimized through inappropriate, irrelevant, rude or inappropriate questioning or behaviour. There will always be the great debate of balancing rights of accused with rights of victim. However, all lawyers and Judicial Officers are well trained and adept at recognizing accused persons rights and protecting them. Very few have been trained in victim centered approaches and the playing field between victim and accused will never be levelled if we just concentrate on accused persons rights. They must be balanced with the right to dignity of the victim.

Judicial Officers stepping in to protect the victim is not judicial activism, it is an indication that the judge is well trained and an expert at gender responsive adjudication. Where intersectionality is an issue and almost every female victim will also belong to another category or marginalized group, there is need to look at and discuss that intersectionality. Judges talk through their judgments and if the victim already at a disadvantage because she is vulnerable in so many respects and has suffered at the hands of the criminal justice system in several ways. She has been mistreated and not provided with urgent services at the Police Station. She may even have been ridiculed and further abused there. She may have been treated with little dignity by the health service provider and not offered appropriate

social services. The judgments, I stress, should be specific because vague comments will not bring about change. Judges should not be afraid to showcase judicial leadership which is a combination of knowledge and skill in a novel area of law especially one dominated by patriarchal views which cannot be defended by evidence, common sense or expert knowledge. Courts should therefore be on the lookout for the vulnerable, and offer them the maximum protection provided by law. These focus the courts mind on dealing more strictly with the offender for preying on the vulnerable and thus regard the conduct of the accused as aggravated in sentencing.

Further, by taking additional evidence of the victim's plight at sentencing, the court can consider appropriate compensation for the victim who often has lost a lot and undergone a lot. Whilst an apology may go a long way in validating the victim's suffering, she also needs to be compensated for her losses. Judicial Officers must therefore also consider the cost of gender-based violence and compensate the victim accordingly. When considering apologies, which often come in after the accused has been convicted, as mitigation, the court should consider genuineness of the apology at this stage as it should be a heartfelt apology that constitutes remorse, not crocodile tears. Proving genuineness may be a challenge though.

A victim centered approach, or a focus on the needs of the victim during proceedings is an important step towards eliminating gender stereotyping and bias. In order for this approach to be effective, it must be exercised with caution. The line between

UNDERSTANDING JUDICIAL STEREOTYPING AND HOW TO AVOID IT

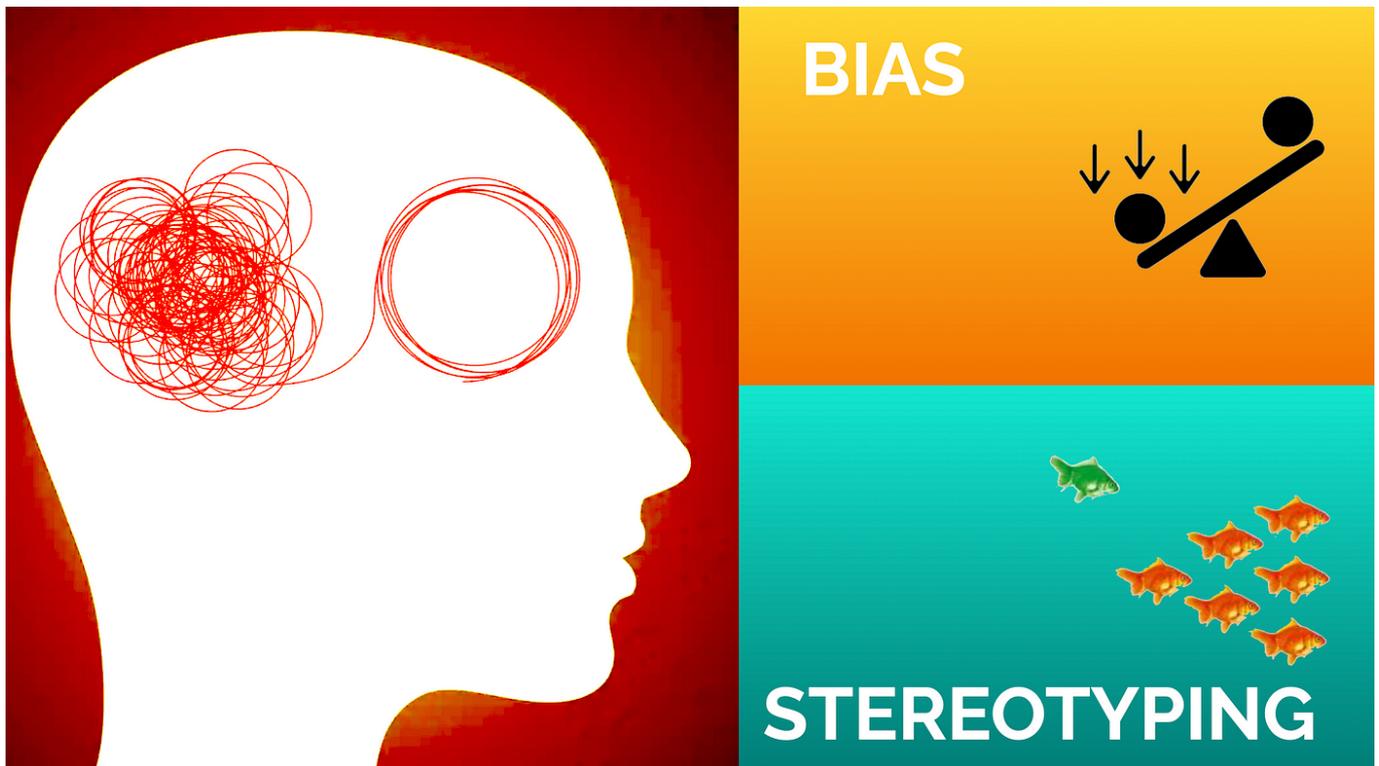
avoiding stereotyping and appearing to be biased in favour of the victim can be very thin. A judge may be subject to disqualification in situations where preexisting attitudes, relationships, or statements, or statements appear to compromise neutrality. Caution must be taken to ensure a balanced approach that does not show partiality with the bounds of ethical constraints. Conducting victim friendly court management with strict adherence to the laws of criminal procedure as well as other victim friendly laws ensures that the judge stays on track.

Finally, one cannot deal with subconscious bias, which is what is responsible for most instances of judicial stereotyping if one is unaware that he or she has such biases. It is important for Judicial Officer to introspect and self-reflect. Looking through one's judgments may show patterns that

display the way in which the Judicial Officer thinks. Even more accurate are online assessments that one can take to see what biases or stereotypes one may be operating under. Acknowledging those biases is the first step to taking action to guard against them in the courtroom.

¹*Aparna Bhat & Others v State of Madhya Pradesh and Another*, Supreme Court of India, Ravindra Bhat J & Khanwilkar J, judgment written by Bhat, 18 March 2021

²*Ibid*



WOMEN'S INCREASED REPRESENTATION IN THE JUDICIARY AS AN 'INDICATOR' OF DIVERSITY IN JUDGMENTS



Ms Cherith Sanger
Lecturer
Faculty of Law
University of the Western Cape

As at February 2022, of the 254 judges on the bench, approximately 114 were women. This entails that women make up approximately 44% of the Judiciary which is the highest representation of women in the history of the South African superior courts. The question to be answered in this article is “how women’s increased representation in the Judiciary is beneficial for the Judiciary, society and South Africa at large?” This question could be answered from a range of angles but I have elected to answer it in light of the importance of diversity on the bench to ensure that judgments handed down by the courts are representative of diverse perspectives. I also answer the question why diverse perspectives in judgments are important.

Whilst the representation of women on the bench is not necessarily indicative of gender equality on the bench, increased representation of women in the Judiciary does indicate greater diversity in perspectives in the judgments handed down. The equal participation of women and the integration of women's varied perspectives at all levels of power and decision-making, including in the Judiciary, is imperative for achieving the goals of equality and development. It is essential that the face of the Judiciary mirrors the diversity of South Africa and that multiplicity of backgrounds and experiences are reflected and enforced through judgments. Diversity is essential because it enforces legitimacy, openness and transparency in the Judiciary. It gives the public faith that the Judiciary can fairly deliver justice and promises greater respect for the Judiciary by the public and other branches of the state. It can also create a more efficient Judiciary.

Varied perspectives are key in striving for delivering judgments which are as objective and of the highest quality as possible. Diversity on the bench is critical for ensuring the development of a robust jurisprudence. Finally, the equitable representation of women in the Judiciary contributes to normalising women’s representation in positions of power. It is through judgments that judges not only shape and develop the law but also create binding standards that the State and individuals need to abide by. The superior courts play a particularly important role in creating judicial precedent because of the binding nature of their judgments on the lower courts.

Whilst women’s representation in the Judiciary has increased, it must be measured against the representation of women in the legal profession, from which appointments are made. As at March 2023, statistics



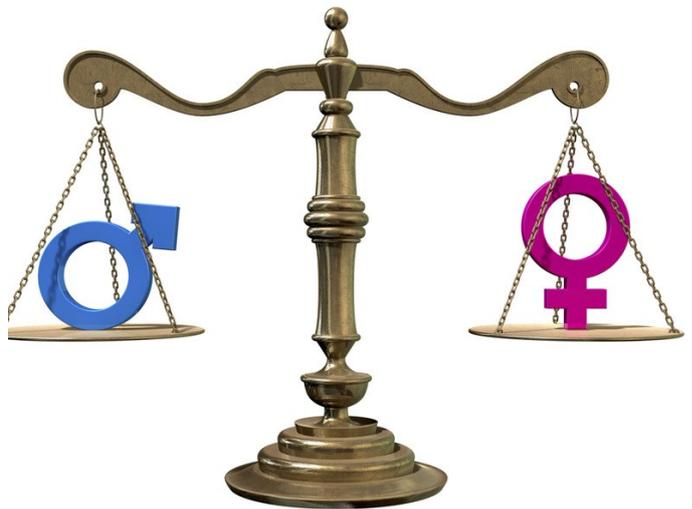
WOMEN'S INCREASED REPRESENTATION IN THE JUDICIARY AS AN 'INDICATOR' OF DIVERSITY IN JUDGMENTS

from the Legal Practice Council show that, of the 32 302 attorneys across South Africa, 14 156 are women. These statistics translate into about 43% of the attorneys' profession comprising of women. It follows that the representation of women in the Judiciary is similar to that of women in the attorneys' profession and in this regard, transformation on the bench is commendable.

Statistics on the number of women at the Bar, where the majority of judges are appointed from, indicate that as at March 2023, of 9 348 advocates, only 2 868 are women. This means that only about 30% of advocates are women. In this regard, representation of women at the Bar lags behind compared to women's representations on the bench. Furthermore, the issue of women's leadership in the Judiciary leaves much to be desired with only 2 women in leadership positions. It raises the question of women's equality in decision making in the Judiciary and raises questions about why so few women are in leadership. It appears to be necessary for the Judiciary leadership to look at ways to reduce barriers that continue to hamper women's progression to the bench and to take up leadership positions in the Judiciary.

1. [Item 13 of the Beijing Declaration and Platform for Action of 1995.](#)
2. Mokgoro, Y, "Middle Temple and SA conference: Judicial Independence: Judicial Appointments", *The Advocate* (2010) at 43.
3. Wesson, M and Du Plessis M, *Fifteen Years On: Central Issues Relating to the Transformation of the South African Judiciary* (2008) 24 SAJHR at 195.

4. https://www.judiciary.org.za/images/Judiciarynewsletter/Judiciary_Newsletter_June_2023_Edition.pdf (Last accessed on 17 August 2023).
5. <https://www.judgesmatter.co.za/opinions/women-and-the-bench-what-justice-mandisa-mayas-interview-tells-us-about-a-womens-place-in-the-judiciary/> (Last accessed on 17 August 2023).
6. <https://www.derebus.org.za/one-hundred-year-progression-of-female-legal-practitioners/> (Last accessed on 17 August 2023).





Adv. Themba Mathebula
Lecturer
University of Limpopo

Introduction and background

Seemingly, the hard-wearing existence of male dominance in the Judiciary has melted down and is slowly evaporating, thereby reinforcing support for more female representation and contributions. The support includes, amongst others, the recognition of the roles played by the Institute for Africa Women in Law (IAWL), South African Chapter of the International Association of Women Judges (SA-CIAWJ) and South African Women Lawyers Association (SAWLA), which are critical organisations for championing female contributions in our Judiciary.¹ Therefore, this paper appraises what would normally be considered the ideal and total transformation of the Judiciary which allow more female contributors. As many lawyers or those in the legal fraternity know, the transformation of the Judiciary entails:

No judicial system that holds sacrosanct values of

equality between the sexes will continue to consist of white and black males only without having white and black women sufficiently swelling the ranks of the judiciary.²

Note how the words “female” and “male” have been used in this piece with the sole purpose being to centralise the discussion herein to demonstrate gender representation in the Judiciary. On recent occasions and following much more debates on the aspects of more female representation in the Judiciary, a greater number of women are taking up leadership roles in the Judiciary.³

As the percentage is increasing, female legal practitioners now compete in leadership roles of Magistrates, acting Judges and Judges. This is undeniably the case in several Judicial Service Commission (JSC) interviews as well, where female participation continually increased. Although the space is continuously male dominated, the environment is largely thwarted by the JSC in their disinclination to recommend more females for the Judiciary.⁴

The good fortune now is on the increasing percentages of female representation in what has always been classified as a male dominated space.⁵ In the hundred (100) years since women were allowed to enter into the legal profession as practitioners, male dominance is steadily being levelled down thereby realising the prescripts of the Constitution of South Africa, 1996.⁶ The transformation of the Judiciary is a constitutional imperative which is drawn from the Constitution, which requires the reflection of South Africa’s diversity in the composition of the Judiciary.⁷ Over and above that, there are clear sustainable contributions made by women in the Judiciary so far. Based on February 2023 statistics, of the 253 Judges,

approximately 113 are women. Additionally, as of June 2022, 51% of Magistrates nationwide are women and 75% of them are black.

A way forward

Against the above backdrop, the recent appointment of Justice Mandisa Maya to the position of Deputy Chief Justice of the Constitutional Court by President Cyril Ramaphosa has reignited the plight of women and is yet another example of women breaking the glass ceiling.⁸ Although Justice Mandisa Maya emerged from another prominent leadership role of the Supreme Court of Appeal, her appointment into the apex Court has reaffirmed the sacrosanct values which imbue women as having equal status to that of men. Further, the indistinguishable composition of the JSC as the case is with judicial transformation, is pragmatic because it can accelerate the participation and ultimately the recommendation of more women to key leadership roles in the Judiciary.

Synthesising male legal practitioners into female legal practitioners' workshops, seminars and conferences to understand the leadership roles women can play in the Judiciary has always been indispensable. The quantification of women's contributions in the Judiciary constantly resonates with the provisions of the Constitution which requires racial and gender composition of South Africa to be considered when judicial officers are appointed.⁹

¹Judiciary Newsletter 2022 Pp.2, 23 and 24. https://www.judiciary.org.za/images/Judiciarynewsletter/The_Judiciary_Newsletter_March_2023.pdf. Accessed 03 October 2023.

²Silas Mothupi (2006) "Transformation of the Judiciary: The debate continues" *Codiculus UNISA Press* vol 47(2) p. 5.

³Judiciary Newsletter 2022 Pgs 2, 23 & 24.

⁴Judges Matter "Preview of Judicial Service Commission Sitting October 2022" 30 September 2022. <https://www.judgesmatter.co.za/opinions/preview-of-the-judicial-service-commission-sitting-october-2022-will-zondo-step-up-to-the-plate/>. (Last accessed 03 October 2023).

⁵Thabiso Malesele "Women are still under-represented in the judiciary: Report" <https://www.sabcnews.com/sabcnews/women-are-still-under-represented-in-the-judiciary-report/>. (last accessed 03 October 2023).

⁶Sections 9 and 36 of the Constitution of South Africa, 1996.

⁷Section 174(2) of the Constitution of South Africa, 1996.

⁸Judges Matter (29 June 2022): Ikhona Ndlebe and Mbekezeli Benjamin. *Women and the bench: "What Justice Mandisa Maya's interview tells us about women's place in the judiciary Matter"*.

⁹Note Footnote 7

MY JOURNEY AS A CANDIDATE OF THE ASPIRANT WOMEN JUDGES PROGRAMME



Ms Jennifer Mary Marion
Attorney
Pietermaritzburg

I had the privilege and honour to participate in the Aspirant Women Judges Programme (2023) initiated by the South African Judicial Education Institute (SAJEI). A candidate had to apply, write a judgment, be shortlisted and interviewed to qualify for entrance into the programme.

The convenors and facilitators coordinated a challenging yet educational training programme with aplomb. Participants met for one week, on a monthly bases over a period of six (6) months, to listen and learn from experienced Judges, who hailed from the Constitutional Court, Supreme Court of Appeal and the various divisions of the High Court. The content of these lectures pertaining to civil and criminal practices of the High Court were extremely informative and assisted participants with tools that would mould us into becoming skilled Judges.

The programme was a year-long programme that comprised of two (2) components i.e. theoretical and mentorship/practical (placement of participants at High Courts). Continuous evaluations in respect of the different aspects of the law were done, and more specifically on judgment writing. The highlight was learning how to draft a well-reasoned judgment. It was clear to see that participants gained confidence and expertise as the course progressed. My judgment writing skills improved during the programme and the group as a whole felt a keen sense of pride in ourselves as empowered women.

It was further remarkable to see the bond that developed between these strong and beautiful women. They hailed from all spheres of the legal profession. Each one of them was willing to help and support the other through any obstacle or challenge faced. This bond will never be broken and I feel tremendous gratitude to have been a part of this Aspirant Judges group. The most crucial part of this journey was the practical component of the programme. Each one of us was assigned a Judge or Judges that would mentor us.

The initial five weeks of the practical component was spent at the Durban High Court with a Senior Judge. The experience was priceless as I learned many skills. From the administrative duties of a Judge, to the expert management of one's court, to the honing of articulate judgment writing skills which improved efficiency. It was clear that hard work and an application of the rule of law equalled justice being done. The knowledge I acquired during the training was beneficial for any aspirant judge.

I spent the last week of my mentorship with an equally efficient Judge. He had a different style of

MY JOURNEY AS A CANDIDATE OF THE ASPIRANT WOMEN JUDGES PROGRAMME

working and he was a great role model. I learned the importance of ethics and was able to interview the Judge on all aspects of, what it really means to be a Judge. The Judge worked by the motto that justice delayed is justice denied. He was eloquent and adopted a balanced attitude in arriving at a just result. He worked efficiently to deliver his judgments timeously. The rights of litigants and accused person to a speedy trial as enshrined in the Constitution of the Republic of South Africa was being protected.

There was great benefit in being a part of this programme and I feel overwhelmed with appreciation to all those who afforded us this once in a life-time opportunity. My hope is that this programme continues annually, to empower more women with skills and expertise and, ultimately, to achieve our goals of being elevated to the bench.



Pretoria High Court visit, 29 March 2023



Centre: Judge M. Mojapelo (Lead Coordinator) From left to right: Adv I. De Vos; Ms S. Nemutandani; Ms M. Moleleki; Ms L. Coetzee; Ms L. Bhengu; Ms L. Raborife; Adv N. Nhamuravate; Adv K. Strydom; Ms S. Mthimunya; Ms K. Pillay; Ms J. Marion; & Ms N. Mabenge

SAJEI'S 2023 FLAGSHIP PROJECT: ASPIRANT WOMEN JUDGES TRAINING PROGRAMME



Dr Gomolemo Moshoeu
Chief Executive Officer, SAJEI

SAJEI'S 2023 FLAGSHIP PROJECT: ASPIRANT WOMEN JUDGES TRAINING PROGRAMME

The Honourable Chief Justice RMM Zondo launched a flagship project, SAJEI Aspirant Women Judges Programme on 25th January 2023 as part of celebrating 10th anniversary of the Institute. The programme was approved by SAJEI Council on 17th September 2021. The call for applications was distributed on the 10th January 2022 with a closing date of 18th February 2022. The delay of implementing the programme resulted from many challenges.



The launch of the Aspirant Women Judges programme held on 25 January 2023 at the Office of the Chief Justice.

A total of 18 women out of 35 shortlisted candidates were selected through a competitive and rigorous selection process including interviews. In his address during the launch, the honourable Chief Justice said the following:

“This programme is a Judge’s programme run by Judges for the benefit of aspiring Judges. There will be emphasis on practice to skill them to reach a level where they can be favourably considered in future at the JSC. However, there is no entitlement to be appointed as a Judge. They will be competing with others who may be more experienced. During mentoring, the candidates will interact with Judges and understand for example, why in a particular case a Judge probed in a particular line. The Lead Coordinator will look at the progress reports to determine those who benefitted properly.”

The honourable Chief Justice further said “We need Judiciary that is properly representative. Unless there are additional measures to deal with the challenge, 10 years from now we will still be complaining. The programme is going to be a big success and hope that we will have another one soon”.

The candidates attended week-long in-person sessions from January to June 2023 facilitated by Lead Coordinator, Judge Mathale Mojapelo, esteemed retired Deputy Judge President. The sessions dealt with several topics including PIE, PAJA, Restraint of trade, Anton Piller, Managing online Court hearings, Managing Civil, Criminal, and Commercial Court cases, Judicial Case Flow Management, Judicial Ethics, Judgment writing, etcetera. Candidates received judgment writing assignments and reading tasks for presentation. The Lead Coordinator provided feedback to individual candidates as well as during the plenary.

SAJEI'S 2023 FLAGSHIP PROJECT: ASPIRANT WOMEN JUDGES TRAINING PROGRAMME

Two of the candidates withdrew from the programme before the orientation for personal reasons. After the orientation, two legal practitioners withdrew due to financial constraints. They could not afford to forgo legal briefs whilst attending the training. Unfortunately, despite several efforts, SAJEI was unable to secure a stipend for the legal practitioners.

After review of the first phase report by the SAJEI Curriculum Planning and Development Committee, the number of the candidates was reduced due to some considerations. Therefore, only twelve candidates proceeded to the mentoring phase and completed the programme.

The candidates submitted weekly mentees reports and said the following on the benefits of mentoring:

"It was for the first time I was exposed to Foreclosure applications. I benefited by learning how the reserve price is calculated and how to treat applications where the property is a primary residence."

"I witnessed a Judge coming from a gruelling week of opposed motions transitioning into urgent court. Whilst some applications were straightforward, most were complicated and were also opposed"

"I got to experience the intricacies of the Johannesburg High Court. Being Pretoria based, it was insightful to note the differences in approach"

"I had an amazing mentor. It was of great value to observe how a Judge handles two very emotional parties in one case and two large companies in the other."

"Mentoring helped me to identify the correct way in approaching any matter that comes before one as a Judge. It increased my confidence in my ability to

execute the tasks of a Judge"

It goes without saying that the candidates indeed benefited judicial and soft skills required on the bench. Despite this feedback, candidates who are legal practitioners had to bear the brunt of losing income whilst attending in-person training sessions as well as during the six week-long mentoring phase. They expressed their frustrations in this way:

"I really took a knock financially for the 6 weeks of mentoring"

"I have felt the financial pressure of not being available for my attorneys and not being able to generate income"

"Being unable to make fees in this bad economy is difficult. Bearing in mind that the Magistrates who are participating in the mentoring program are earning a salary. There is some serious inequality in this programme"

These statements are heartfelt pleas for financial assistance to legal practitioners who participate in this programme. But all was not doom and gloom, some candidates were offered acting stints at the end of mentoring phase as alluded to by honourable Chief Justice in his address during the closing ceremony of the programme on the 20th September 2023.

The honourable Chief Justice said the following: *"Gender transformation of the judiciary remains a singularly imperative for us. I was very impressed with the comprehensive nature of the training. I am not surprised that several candidates have been offered acting opportunity at the Gauteng High Court Division. Judge Mojapelo, I am grateful to you, the Judiciary is grateful to you..."*

"I also express appreciation and gratitude to Judges

SAJEI'S 2023 FLAGSHIP PROJECT: ASPIRANT WOMEN JUDGES TRAINING PROGRAMME

President they embraced the programme wholeheartedly. The mentors who are Judges raised their hands when approached and said count me in. Convey to all those who raised their hands my gratitude. To the candidates, thank you for availing yourself, special thanks and appreciation to those who could not have any income while they were not working, it could not have been easy. You have persevered, Your own determination to use the opportunity optimally and to get full benefit of the training is appreciated”.

The programme was indeed a success and SAJEI wishes the candidates a prospective career in the judiciary.



CALL FOR APPLICATIONS: SECOND WOMEN ASPIRANT JUDGES PROGRAMME

CALL FOR APPLICATIONS: SECOND WOMEN ASPIRANT JUDGES PROGRAMME

The SAJEI Council hereby invites applications for the Women Aspirant Judges Programme.

It is envisaged that the programme will be conducted over a period of 12 months. The programme will consist of virtual training as well as practical training. After the initial formal training, participants will be placed at various High Courts for mentoring.

The selection of candidates will be guided by, inter alia, the following criteria:

- a. The applicant must be a fit and proper person.
- b. The applicant must have a minimum period of 12 years' experience as an Attorney, Advocate, Judicial Officer (including acting appointments) or in any other appropriate legal capacity.
- c. Participants must have practised law in High or Lower Courts.
- d. Practitioners must submit a valid Certificate of Good Standing from their statutory bodies and recognised Bar Associations. Such certificate must not be more than three months old.
- e. Magistrates must submit a valid Letter of Good Standing from the Magistrates Commission as well as a recommendation from the relevant Head of Court based on judicial performance, including outstanding judgments. Such letter must not be more than three months old.
- f. Academic qualifications: a law degree recognised in South Africa.

Admission into the programme is not a guarantee of either acting or permanent appointment as a Judge. Completed application form and supporting documents may be emailed to sajeiceopersonalassistant@judiciary.org.za before 17h00 on 8 December 2023. Kindly ensure that your application is sent as one email with all supporting documents in one attachment.

Applications may also be hand delivered at **SAJEI, Office of the Chief Justice, 188, 14th Road, Noordwyk, Midrand**. Kindly ensure that you sign

the register for applications at Reception. Under no circumstance will applications be accepted after the closing date and time (8 December 2023 at 17h00). Enquiries may also be sent to the abovementioned email address.

INTRODUCTION OF SAJEI COUNCIL MEMBERS DESIGNATED BY THE MAGISTRATES COMMISSION



REGIONAL COURT PRESIDENT MODIBEDI DJAJE

Designation: 25 April 2022 - 25 April 2027

RCP Djaje is the Regional Court President of Gauteng. He holds an LLB degree and he is an admitted advocate. He has served as a Prosecutor, District Court Magistrate and Regional Magistrate prior to being appointed as Regional Court President. He has mentored newly appointed Regional Magistrates from 1998 to 2007. He served as a member of the Provincial Appointment Committee of the Magistrates Commission, and Chairperson of the Lower Court Remuneration Committee. Currently, he is the Chairperson of the Regional Court President Forum.



REGIONAL COURT PRESIDENT JAKKIE WESSELS

Designation: 25 April 2022 - 25 April 2027

RCP Wessels is the Regional Court President of Limpopo. She holds several law degrees including an LLM degree and has served as a Prosecutor, District Court Magistrate and Regional Court Magistrate. She also worked at UNISA and Justice College where she was involved in lecturing and training. She has been a regular guest lecturer at the University of Pretoria. She has contributed to several publications on gender-based violence, Cybercrime, and others. She currently serves as a Board member on the Rules Board since 2012. She has served as a SAJEI Council member for two 5-year terms and was recently appointed for another 5 year term in 2022.



INTRODUCTION OF SAJEI COUNCIL MEMBERS DESIGNATED BY THE MAGISTRATES COMMISSION



CHIEF MAGISTRATE TULE-TU TONJENI

Designation: 25 April 2022 - 25 April 2027

Chief magistrate Tule-tu Tonjeni obtained tertiary qualifications from University of Transkei and University of Fort Hare. She served as a District Court Magistrate and a Lecturer at Justice College. She was appointed as a Chief Magistrate in 2007. She has acted as a Judge in three High Court divisions namely, Gauteng, Western Cape, and Kwa Zulu Natal. She is currently a Chairperson of the Provincial Advisory Committee for the Appointment of Sheriffs and a member of the Executive Committee of the Chief Magistrates Forum.



CHIEF MAGISTRATE LINDA UNUVAR

Designation: 7 September 2023 - 7 September 2028

Chief Magistrate Unuvar holds an LLB degree. She has served as a Prosecutor, Senior Magistrate and Regional Magistrate (acting). She was appointed as a Chief Magistrate in 2022. She played a key role in the establishment of the Family Court in Cape Town and contributed towards reducing a number of street children in Cape Town.



REGIONAL COURT PRESIDENTS



RCP N ENGELBRECHT
MPUMALANGA



RCP J WESSELS
LIMPOPO



RCP Z MBALO
FREE STATE



RCP N SIPUNZI
WESTERN CAPE



CHIEF MAGISTRATES



CM S RAPHAHLELO

Region 1 Eastern Cape A



CM N MVIKO

Region 2 Eastern Cape B



CM A MOTLEKAR

Region 4 Free State B



CM Y SIDLOVA

Region 5A Johannesburg central



CM M MONYEMORE

Region 7 Kwazulu-Natal B



CM TS TONJENI

Region 8 Mpumalanga



CM J IKANENG

Region 9 North West



CM C RINGANE

Region 11 Limpopo



CM LJ UNUVAR

Region 12 Western Cape A



SUMMARIES OF LANDMARK JUDGMENTS BY FEMALE JUDICIAL OFFICERS

1. AfriForum NPC v Chairperson of The Council of The University of South Africa and Others¹

The High Court dismissed a challenge where the appellant in this case sought to review and set aside the decision of the adoption of the new language policy at UNISA where English would be the only medium of learning and teaching.

Justice Maya held that UNISA failed to justify their decision to change the policy as it misunderstood its obligations in terms of section 29(2) of the Constitution. Justice Maya held that the adoption of the new language policy did not comply with the requirements of the Constitution, it needed to be factual and normative and reasonably practicable.

The judgment is significant as it is the first South African judgment written in isiXhosa and delivered at the Supreme Court of Appeal.

2. Department of Correctional Services and Another v POPCRU and Others²

The matter was an appeal against a Labour Appeal Court decision, which had upheld the Labour Court's finding that the dismissal of Correctional Services officers who refused to cut their dreadlocks was unfair. Justice Maya held that the appeal should be dismissed as the dismissal constituted unfair discrimination. Justice Maya also held that a policy that punishes a person's cultural and religious practices infringes on their right to dignity, freedom of religion, belief and opinion.

Justice Maya found that there was no evidence to show that the respondents' hair hindered them from doing their jobs or made them vulnerable to manipulation or corruption, it was not shown that cutting their hair was an inherent requirement of the respondents' jobs.

3. City Power (Pty) Ltd v Grinpal Energy Management Services & Others³

The case dealt with Municipalities remaining accountable for the provision of public services even if they have outsourced or formed a public entity to provide these public services.

City Power outsourced electricity for Alexandra from a private entity called Grinpal. When the service level agreements were terminated the parties agreed that City Power would take over. The question was whether upon termination of the service level agreements, there was a transfer of business as a going concern. The Labour Appeal Court in terms of s197 of the Labour Relations Act, transfer had taken place.

In dismissing City Power's appeal, Justice Tshiqi noted that a "mere reliance" on the point that it was a private company ignored the fact that such entities "are usually established for the sole purpose of performing public functions". The "public nature" of these functions and the "restrictions imposed on such municipal entities by the Municipal Systems Act distinguish them from other private entities."

Justice Tshiqi also found that the Johannesburg Municipality cannot abandon its constitutional obligations and public accountability by forming a municipal entity like City Power, it will still be held accountable. Justice Tshiqi also held that City Power cannot avoid its constitutional obligation by delegating its functions to Grinpal.

4. Coughlan No v Road Accident Fund⁴

Justice Tshiqi overturned the Supreme Court of Appeal decision which found that foster child grants were deductible from compensation paid by the Road Accident Fund (RAF) for loss of support. She

SUMMARIES OF LANDMARK JUDGMENTS BY FEMALE JUDICIAL OFFICERS

dismissed the RAF's contention that not deducting the foster child grants would amount to double compensation.

Justice Tshiqi found that the loss of support was to compensate for the patrimonial loss "suffered by the loss of the monetary contribution that the deceased parent would have made towards the support of the child. It forms part of the patrimony of the child. It amounts to an income replacement resulting from the death of the parent as a result of a motor vehicle accident. There is no conceivable basis on which to deduct payments made to foster parents (that the child has no claim to) from the child's award for compensation for loss of support."

Justice Tshiqi also held that there is no difference between child support grants and foster care grants, and that foster care grants should not be part of compensation calculations.

5. Gumede (born Shange) v President of The Republic of South Africa and Others⁵

In 2008 Justice Theron ruled that women in customary marriages were married in community of property and were also entitled to the rights and benefits of being married in community of property. She explained that the "proprietary regime established by the codification of customary law, is, prima facie, discriminatory. It is discriminatory as only African women are subjected by the law to such consequences. The discrimination is on two of the prohibited grounds listed in section 9(3) of the Constitution, namely race and gender."

Justice Theron held that the distinction made by the Recognition of Customary Marriages Act 120 of 1998 between customary marriages and community

of property marriages and certain provisions of the KwaZulu Act on the Code of Zulu Law 16 of 1985 and the Natal Code of Zulu Law Proclamation R151 of 1987 were inconsistent with the Constitution. Her judgment was upheld by the Constitutional Court.

6. Volks NO v Robinson and Others⁶

Mrs Robinson was in a life partnership with the deceased for 16 years. They lived together and had no children. Mrs Robinson was supported by the deceased and was never employed. She claimed maintenance in terms of section 2(1) of the Maintenance of Surviving Spouses Act 27 of 1990 (MSSA). In terms of MSSA, a spouse can claim for maintenance against the estate of the deceased until death or remarriage but her claim was refused as she was not considered a spouse.

Mrs Robinson challenged the definition of "spouse" in the High Court, saying that it is unconstitutional as it does not include survivors of life partnerships. The matter was taken to the Constitutional Court for confirmation of invalidity and in the minority judgment delivered by Justice O'Regan and Justice Mokgoro they considered the factors that suggested that Mrs Robinson and the deceased were in a life partnership. These factors were that they supported each other, they cohabited for 16 years and she received an allowance from the deceased.

The female judges in this case recognised the fact that families are not the same anymore and that it is not only married couples that consider themselves as a family. They held that just because the family was not formed in terms of recognised law does not mean that they must be discriminated against. The exclusion of cohabiting partners from the protection of s2 (1) of the MSSA leaves them vulnerable, especially

SUMMARIES OF LANDMARK JUDGMENTS BY FEMALE JUDICIAL OFFICERS

women. They proposed that the definition of “spouse” should be extended to include cohabitants who have lived together for a long time and who are financially dependent on their partners.

It was held that she can't make a claim now because the will already made reasonable provisions for her. However, the Act cannot justify the continued exclusion of domestic partners from its scope, regardless of the level of commitment shown by the survivor to the family. Therefore, the Act is invalid insofar as it prevents unmarried survivors of permanent intimate life partnerships from seeking maintenance claims.

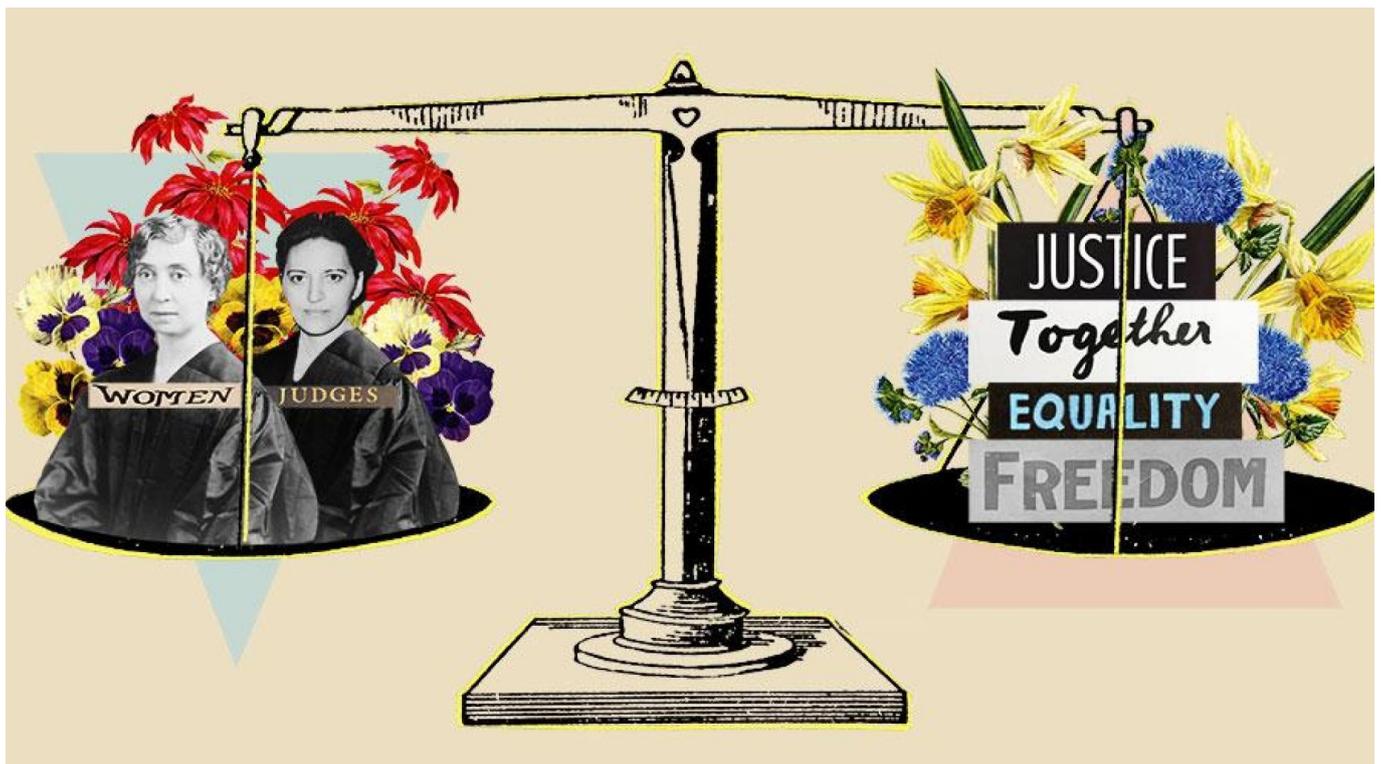
¹(765/2018) [2020] ZASCA 79 (30 JUNE 2020).

²2013 (4) SA 176 (SCA).

³(CCT133/14) [2015] ZACC 8; 2015 (6) BCLR 660 (CC); [2015] 8 BLLR 757 (CC); (2015) 36 ILJ 1423 (CC) (20 APRIL 2015).

⁴(CCT160/14) [2015] ZACC 9; 2015 (4) SA 1 (CC); 2015 (6) BCLR 676 (CC) (20 APRIL 2015).

⁵(CCT 50/08) [2008] ZACC 23; 2009 (3) BCLR 243 (CC); 2009 (3) SA 152 (CC) (8 DECEMBER 2008).



5.2 STANDARDS

The following standards are hereby established:

5.2.1 DETERMINATION OF SITTING OF THE SPECIFIC COURTS

- (i) Judicial Officers shall at all times strive to deliver quality justice as expeditiously as possible in all cases.
- (ii) It is noted that there is a significant difference in the manner in which courts and the Constitutional Court, the Supreme Court of Appeal and Specialist Courts (the Labour Court, Labour Appeal Courts, Land Claims Court and the Competition Appeal Court) perform their work, as well as the case loads they carry. The standards set out herein must be applied within that context. The Head of each court must ensure that Judicial Officers are always available to handle cases.
- (iii) The Head of each Court will be responsible for determining the sittings of each court, subject to the directives and oversight of the Chief Justice.
- (iv) Trial courts should strive to sit for a minimum of 4.5 hours per day and all Judicial Officers should strictly comply with court hours, save where, for good reason, this cannot be done.
- (v) In the event that a Judicial Officer should become available e.g. where the roll collapses, the Judicial Officer should make him or herself available to be allocated other work by the head of the Court or a designated Judicial Officer.

WALL OF FAME
 ADVOCATES OF JUDICIAL EDUCATION
 2015-2017



**LIST OF STRUCK OFF & SUSPENDED
LEGAL PRACTITIONERS**

NO	NAME	DESIGNATION	STATUS OF LEGAL PRACTITIONER	PROVINCE	DATE OF ACTION
1.	Teboho Bernett Mtholo	Attorney	Suspended	Free State	2023-10-04
2.	Rehan Coetzee	Attorney	Suspended	Free State	2023-09-26
3.	Izak Jacob Steenkamp	Attorney	Suspended	Free State	2023-09-26
4.	Doré Mostert	Attorney	Suspended	Western Cape	2023-09-07
5.	Michael Leonard Jennings	Attorney	Suspended	Western Cape	2023-09-07
6.	Du-Wayne Stoltz	Attorney	Suspended	Eastern Cape	2023-09-05
7.	Mthunzi Patrick Magwaza	Attorney	Suspended	KwaZulu-Natal	2023-09-04
8.	Martins Matlakala Sebueng	Attorney	Suspended	Gauteng	2023-08-29
9.	Jacobus Philadelphius Symington	Attorney	Suspended	Northern Cape	2023-08-25
10.	Kelawathee Bejai Singh	Attorney	Suspended	KwaZulu-Natal	2023-08-24
11.	Mpho Lendl Phosa	Attorney	Struck From Roll	Western Cape	2023-08-22
12.	Samkelisiwe Sthandwa Makhanya	Attorney	Struck From Roll	KwaZulu-Natal	2023-08-21
13.	Nhlakanipho Sandile Mncube	Attorney	Struck From Roll	KwaZulu-Natal	2023-08-21
14.	Theodore Avel Tromp	Attorney	Suspended	Gauteng	2023-08-15
15.	Tsepo Luthando Masango	Attorney	Suspended	Gauteng	2023-08-15

**LIST OF STRUCK OFF & SUSPENDED
LEGAL PRACTITIONERS**

16.	Teboho Sophonia Tsunke	Attorney	Suspended	Gauteng	2023-08-03
17.	Solani Phanuel Gudhuza	Attorney	Struck From Roll	Gauteng	2023-08-03
18.	Sibusiso Mdluli	Attorney	Struck From Roll	Gauteng	2023-08-01
19.	Noxolo Fatyela	Attorney	Suspended	Gauteng	2023-07-27
20.	Sekgapinye Tsetsewa	Attorney	Suspended	Limpopo	2023-07-26
21.	Adri Grant	Attorney	Suspended	Western Cape	2023-07-26
22.	Pascalina Nonhlanhla Mathibela	Attorney	Suspended	Limpopo	2023-07-26
23.	Brian Kingly Keabetsoe Koopedi	Attorney	Suspended	Limpopo	2023-07-26
24.	Pheladi Raesibe Gwangwa	Attorney	Suspended	Limpopo	2023-07-26
25.	Bornventure Ndhlovu	Attorney	Struck From Roll	Gauteng	2023-07-25
26.	Nosipho Thembeke Zibani	Attorney	Suspended	Gauteng	2023-07-18
27.	Michael David Warren	Attorney	Suspended	Eastern Cape	2023-07-11
28.	Sithembiso Yena	Attorney	Suspended	Gauteng	2023-08-15
29.	Francois Andre Mostert	Attorney	Struck From Roll	Eastern Cape	2023-08-29
30.	Nomfundo Nicolette Nyembe (Mnisi)	Attorney	Suspended	Gauteng	2023-09-05
31.	Hendrik Cornelis Viljoen	Attorney	Suspended	Gauteng	2023-09-05
32.	Senzo Wiseman Mkhize	Advocate	Struck From Roll	Gauteng	2023-09-08
33.	Leigh Dorothy Harper	Attorney	Suspended	Gauteng	2023-09-11

**LIST OF STRUCK OFF & SUSPENDED
LEGAL PRACTITIONERS**

34.	Mxolisi Adolphus Cassius Ndhlovu	Attorney	Suspended	Gauteng	2023-09-19
35.	Jacobus Cornelius Van Eden	Attorney	Suspended	Gauteng	2023-09-19
36.	Petrus Makhabane Thobejane	Attorney	Suspended	Gauteng	2023-09-26
37.	Rudolf Daniël De Beer	Attorney	Suspended	Free State	2023-09-29
38.	Cliffort Jabulane Chauke	Attorney	Suspended	Gauteng	2023-10-03
39.	Walter Du Toit	Attorney	Struck From Roll	Free State	2023-10-05
40.	Raymond Tonderayi Bombo	Attorney	Struck From Roll	Gauteng	2023-10-12
41.	Kulani Lionel Dhumazi	Attorney	Struck From Roll	Gauteng	2023-10-12
42.	Ury Ngwana-letshaba Ratseke	Attorney	Struck From Roll	Gauteng	2023-10-17
43.	Alex Molefe Methula	Attorney	Suspended	Gauteng	2023-10-17
44.	Mbongeni Progress Magoqo	Attorney	Suspended	KwaZulu-Natal	2023-10-26
45.	Mbalenhle Immaculate Kubheka	Attorney	Suspended	KwaZulu-Natal	2023-10-26
46.	Darren Philip Carpenter	Attorney	Struck From Roll	Gauteng	2023-10-26
47.	Tashriq Ahmed	Attorney	Suspended	Western Cape	2023-11-01
48.	Tshepang Walter Mokotedi	Attorney	Suspended	Gauteng	2023-11-09
49.	Lebogang Aubrey Manong	Attorney	Suspended	Gauteng	2023-11-09
50.	Elizabeth Magdalena Van Coller	Attorney	Suspended	Western Cape	2023-12-10

UPCOMING SEMINARS AND WEBINARS

2023-2024

November 2023 - January 2024				
NO	COURSE CODE	COURSE	DATE	PROVINCE
1	DCM133	Evictions	22—25 January 2024	FS & B
2	DCM13	Action Procedure	29—31 January 2024	PMB
3	Ad HOC	Aspirant Judges	29 January 2024—02 February 2024	TBC
4	DCM120	Children's Court Skills Adoptions <i>(virtual)</i>	06 – 08 November 2023	Kwa-Zulu Natal Durban
5	DCM121	Civil Court Skills National Credits Act (Debt Review & Debt Collection) <i>(virtual)</i>	01 - 02 November 2023 06 - 09 November 2023	Western Cape
6	DCM122	Criminal Court Skills Sentencing & Ancillary Orders <i>(virtual)</i>	01 - 02 November 2023	Limpopo
7	DCM123	Criminal Court Skills Plea Proceedings (Section 342 of Criminal Procedure Act) <i>(virtual)</i>	07 - 09 November 2023	Free State Bloemfontein
8	DCM124	Equality Court Skills (PEPUDA) <i>(in-person)</i>	13 - 15 November 2023	Kwa-Zulu Natal Durban
9	DCM125	Children Court Skills Child Justice Act <i>(virtual)</i>	13 - 16 November 2023	Gauteng
10	DCM126	Criminal Court Skills (Section 77 - 79 of the Criminal Procedure Act) <i>(virtual)</i>	14 - 15 November 2023	Free State Welkom
11	DCM127	Civil Court Skills Evaluation of Evidence <i>(virtual)</i>	13 - 16 November 2023	Kwa-Zulu Natal Pietermaritzburg
12	DCM128	Criminal Court Skills Sentencing & Ancillary Orders <i>(virtual)</i>	20 - 21 November 2023	Northern Cape
13	DCM129	Soft Skills Computer Literacy <i>(in-person)</i>	20 - 21 November 2023	Mpumalanga
14	DCM130	Criminal Court Skills Witnesses & Hearsay Evidence <i>(virtual)</i>	22 - 23 November 2023	Gauteng
15	DCM131	Family Court Skills Non-Verbal Communication for Adjudication in the Family Court <i>(virtual)</i>	31 October - 02 November 2023	Gauteng

Telephone number:
+27 (0)10 493 2500

Website address:
www.judiciary.org.za

Physical address:
188 14th Road
Noordwyk
Midrand
1685

Postal address:
Private Bag X10
Marshalltown
2107

