



NGO FORUM  
SOUTH AFRICA  
2 0 0 1  
WORLD CONFERENCE  
AGAINST RACISM

# NGO Conference: Racism, Xenophobia and Related Intolerances

By Waheeda Amien

*Law, Race and Gender Research Unit*

**P**icture this: Durban 28 August - 01 September 2001. Vibrant. Energetic. Electrifying. A meeting place of about 15 000 people from all over the world - clad in their cultural and religious attires consisting of brilliantly radiant colours and styles. Men and women from the nearest and furthest parts of the globe, all gathered together in one spot to discuss a topic that has plagued humankind since time immemorial. Groupings of people who in one way or another are / were victims of racism, and who work with issues of racism on a daily basis.

Apart from the fantastic networking opportunities this forum offered, and the wonderful cultural mixtures of song and dance that kept many bodies swaying in the breeze during the evenings, this Conference gave us the chance to be exposed to the realities and many manifestations of racism in developing and developed countries throughout the world. It exposed the changing faces of racism within the context of globalisation, and highlighted the direct link between racism, power inequality and imbalances of resources. It brought to the fore the organised and institutionalised entrenchment of racism that is part of a world system of domination and subordination, the effects of which seep into every aspect of social life, particularly the boiling pot of justice. It allowed us to connect with different peoples' experiences and ideas about racism, and helped us to realise that racism is indeed alive and well. And that despite the fact that apartheid was outlawed in 1994, its effects and consequences are still very much with us today in South Africa.

The Conference underscored the necessity of addressing our history of

racism so that we can eventually reach a point where we can begin to move forward as one unified nation, embracing our heterogeneity, differences and diversity. It was the culmination of numerous regional meetings that preceded this historic event, and presented us with an option of working through issues in a civilised manner instead of violently engaging with them. Even though the Conference has been criticised as constituting just another 'talk shop', the outcome which took the form of a Declaration was symbolic of peace-building, and the ensuing programmes introduced to us the existence of various resources that can be accessed to work on our relevant issues.

More specifically, the Conference allowed us to contextualise our work within global parameters in respect of race training and its intersectionality with other diversity issues such as gen-

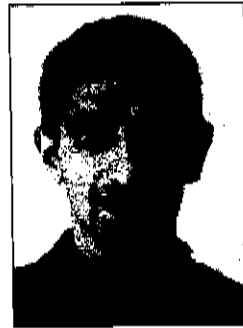
der, class, culture, religion, etc. It facilitated a deeper and more enhanced awareness and understanding of the manifestations of racism in South Africa and elsewhere, and focused our attention on strategies within the legal, educational and advocacy spheres to counter racism.

When pitting the oppressed against the oppressor, what was startling was their different recollections of history, and how these two groups positioned themselves in relation to their respective memories of racism. Hence the calls by affected groups for acknowledgement of the perpetration of racism by the perpetrators, and reparation for the effects of racism. And thus we witnessed the refusal of that acknowledgement by the withdrawal of certain countries such as the USA and Israel from the subsequent Government Conference.

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# Is it necessary to plead marital status in a summons?



By Mohamed Paleker

Lecturer, Faculty of Law, University of Cape Town

## Introduction

Recently a Cape Town law firm issued summonses against several female defendants. The summonses did not state the defendants' marital status as required by Magistrates' Court Rule 6(5). When the firm applied for default judgment, the magistrate refused to grant them because the summonses were defective.

Firstly, the Court did not interpret the Rule correctly. Secondly, there are principled reasons why a defendant's marital status should not be stated in a summons: (a) in light of recent legislative amendments, the inclusion of a defendant's marital status in a summons serves no purpose; and (b) it is unconstitutional to insist on the inclusion of the marital status of female defendants only.

## Interpretation

Rule 6(5) provides:

The summons shall also-

(a) show the surname of the defendant by which he is known to the plaintiff, the defendant's sex and residence or place of business, and, where known, his first name or initials, his occupation and, in the case of a woman, her marital status; and, if the defendant is sued in a representative capacity, the capacity in which he is sued;

(b) show the first name, surname, sex, occupation and the residence or place of business of the plaintiff.

(Emphasis added)

As we are concerned with the citation of parties as it relates to marital status only, the following conclusions are drawn:

- Only sub-rule (a) requires that the defendant's marital status be included. Marital status is only relevant when the defendant is a woman. If the defendant is a man, marital status need not be pleaded.
- Sub-rule (b) makes no reference to marital status. It is thus unnecessary to cite a plaintiff's marital status.

It is unclear from sub-rule (a) whether it is compulsory to plead a defendant's marital status. Given the word shall at the beginning of the Rule, it appears that marital status must be

stated. However, on a closer reading, one notes that the phrase *where known* appears midway. This is an internal qualifier that ameliorates the peremptory nature of the word *shall*. But it is not clear whether this phrase qualifies all the words that follows in the sentence, or whether it stops short of the words *her marital status*.

In *Contract Protection Bureau v Bowers* 1986 (2) SA 525 (NC), Jacobs and Basson JJ held *obiter* (at 530G-531B) that the phrase *where known* governs all the words including the phrase *her marital status*. The Court found that a summons containing a statement that the defendant's marital status is unknown to the plaintiff complies with the sub-rule and that such a summons is not defective. However, the Court's *dicta* should not be read narrowly to mean that the summons is then defective where the defendant's marital status is not stated. The Court could not have intended such a formalistic interpretation of the Rule.

## The 'principled reasons'

But even if the correctness of the *Bowers* decision is questioned, there are principled reasons why it is no longer necessary to cite a female defendant's marital status. Sections 11 and 12 of the Matrimonial Property Act (88/1984) abolished the marital power of married women, which had restricted their capacity to litigate. Citing the defendant's marital status today therefore serves no useful purpose.

Also, the Rule identifies women as the only people whose marital status must be pleaded. The emphasis on women effectively singles them out arbitrarily for differential treatment. This is unconstitutional as it amounts to unfair discrimination and will not survive an equality challenge.

## Conclusion

The interpretation to the Rule favoured in the *Bower* case should be adopted, and if necessary, extended to overcome the anachronistic nature of sub-rule (a). To adopt any other interpretation serves no practical purpose. Furthermore, the problems highlighted in this article should also serve as an invitation to the Rules Board to revisit some of our long-standing procedural rules, particularly those that discriminate against women and other marginalised groups.

## NGO Conference

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So what does this all mean for magistrates? Well, one could argue that the world came to Durban to among other things, tell judicial officers that for the purposes of transformation, and particularly in the course of work where decisions impact on the lives of people, we

cannot ignore the reality of racism and its horrific effects.

In fact, by donning the magical black robe, magistrates assume a position of great power that carries with it the enormous obligation to contextualise the situation of parties who appear before them, to recognise and understand the effects of racism, and to ensure that this comprehension informs their function of

judgment-making. And equally importantly, their power is paralleled with the awesome responsibility of conveying to society through judgments and sentences the crystal clear message that racism, and its concomitant manifestations through racist behaviour, racist speech and the perpetuation of racial stereotypes cannot, should not, and will not be condoned.

# National Gender Summit

By Connie Molwantwa

Chairperson: Gender Equality Committee (JOASA); Lecturer: Justice College

I attended the National Gender Summit hosted by the Commission on Gender Equality from 5 - 8 August 2001 in Johannesburg. Representatives of civil society, business and religious institutions were present.

The theme was *Realising gender equality: Justice, peace and poverty eradication*. Sub-themes included: Gender in relation to HIV/AIDS, tradition, culture, religion and the economy; discrimination against learners; and land reform. Commissions were held to deliberate the sub-themes and to make submissions to the Law Commission, Department of Justice etc.

The purpose of the Summit was to assess to what extent South Africa has achieved gender equality and the effec-

tiveness of the National Gender Machinery to re-strategise for effective results. The expected outcome was to put gender equality back on the national and regional agenda and obtain an analysis from key stakeholders on key issues.

On behalf of Joasa, I proposed a more visible and tangible involvement of the judiciary to uproot gender inequality more effectively. The Summit ended with an understanding that there will be greater collaboration between the National Gender Machinery and all stakeholders, monitoring of all efforts to ensure effectiveness and avoidance of duplication of functions, and educating people on all levels about the National Gender Machinery.

## Fellowship programme

By Tshifhiwa Maumela

Senior Magistrate, Mutale

Almost hot on the heels of Tandaswa Ndita my turn came as the first male magistrate to participate in LRC's six weeks residential Fellowship Programme for magistrates (12 August -21 September 2001).

From the far Northern Province I landed in Cape Town into viciously cold weather, confronted by curious faces. I did not look local, if I ever looked South African at all.

Co-facilitating at Bergville (KwaZulu-Natal) reaffirmed some of my former observations such as:

- Social context - good news for some magistrates, nightmare for others.
- There are no giants in matters of race relations. We are midgets and if willing may stand on each other's racial shoulders to form a giant as long as we avoid unceremonious falls.

In Cape Town, JOASA colleagues were wonderful. The sister- and brotherhood were rather equatorial although the storms and floods tried to sing different songs.

I reconnected with my LRG roots and actually extended them. I looked at our Constitution, the notion of culture (mainly black culture) and the status of women in South Africa and began to think: The choir practice should stop hiding and shifting. South Africa (and magistrates) should stop fence sitting and start to dance. What they so much want to sing on gender, race, class, you name the risk.

I discovered that people have different notes but think theirs are correct - Is my culture right? Is your religion on a lost course? If my paper fails to tell, please try and tell. But something must happen. It really must.



## Mentoring Programme for Magistrates

By Kate Pillay

Magistrate: Regional Court, Durban

Professional excellence of those engaged in judicial service is the cornerstone of substantive justice. Thus, to prepare newly appointed judicial officers for the professional challenges that lie ahead, Justice College and Canada-South Africa Justice Linkage Project have embarked on a Mentoring Programme for Magistrates.

This programme involves voluntary and informal work-related interactions between more experienced and less experienced magistrates. The mentee requests ad hoc assistance from the mentor, and the mentor offers guidance to the mentee about legal matters, and cultural, ethical and administrative aspects. Forty mentors were selected to participate on the basis of their expertise in civil / criminal law / matters regarding the administration of justice, and their willingness and commitment to serve as mentors. They participate on a voluntary basis, and agree to receive specialised mentoring skills and to be available at specific times to answer calls from newly appointed magistrates. A one-day seminar has been held to prepare mentors for the task ahead.

A directory of mentors has been compiled and will be circulated to all magistrates' offices. We hope this programme will provide the long awaited inter-provincial judicial network for sharing ideas and the opportunity for newly appointed magistrates to develop and enhance their professional skills.



# Johannesburg Family Court Centre Pilot Project

The Central Divorce Court (CDC) forms an inextricable part of the Johannesburg Family Court Centre Pilot Project. The CDC, established under s10 of the Administration Act 1929 (which dealt with black divorces), now comprises three specialised courts namely, North Eastern (Durban), Southern (King Williamstown) and Central (Johannesburg). These courts were deracialised on 1 April 1998, and are now accessible to all irrespective of race.

To promote minimum standards of service and uniformity in court decisions, a local precedent system, Central Divorce Court Law Reports has been established. The reported cases are stored at the court library and can be accessed at [www.sn.apc.org/users/clc](http://www.sn.apc.org/users/clc).

Constitutional provisions and human rights instruments ratified by South Africa that have a bearing on family law are taken into account when decisions are made. Gender perspectives, the best interests of the child, and considerations of other marginalised groups are also integrated into mainstream decision-making processes. To make proceedings less intimidating and to promote access to justice, the inquisitorial approach is adopted and proceedings are conducted in plain language to encourage parties to participate freely.

The major challenge facing the Department of Justice and Constitutional Development has been lack of

integrated and co-ordinated services caused by fragmented legislation governing different courts namely, divorce, maintenance, domestic violence and children's court. To promote integrated and co-ordinated services, a citizen advice desk is being set up. Presently, a counter is installed at the main entrance, which is the first point of entry where clients are referred for screening and assessment on the 5th floor. The elevators leading to the advice desk are colour-coded to facilitate easy finding of cubicles. Twenty cubicles will be installed on the 5th floor to accommodate paralegals and Family Advocates' functions. Clients are also assisted with the provision of legal information and to complete relevant forms. Appropriate cases are referred to mediation, counselling etc. NGOs play a major role in these alternative dispute resolution mechanisms, and with trauma counselling and perpetrator rehabilitation in domestic violence cases.

Consultative and training workshops have been held with various stakeholders including: traditional leaders; the National Paralegal Association; the South African Association of Mediators; FAMSA; NGOs involved in domestic violence, maintenance and children; Gauteng Family Court Network; and Wits and RAU Legal Aid Clinics. Workshops have also been held with communities in Gauteng and North West.

Since the CDC has jurisdiction in North West and Gauteng, there has been



By Magistrate  
**Zelda Moletsane**

an increase in the number of cases from areas such as Mothibistadt, Oberholzer, Delareyville, Springs and Krugersdorp. These areas are additional divorce court circuit areas. Satellite family court centre pilot projects have also been set up at Potchefstroom, Mmabatho and Mogwase. Local steering committees at these satellite centres collaborate with the Gau-

teng Steering Committee. Thus, access to justice in family law disputes is being promoted by the extension of service delivery in geographically isolated and disadvantaged areas.

Capacity building offered to staff at the Centre promotes multi-skilling. Staff receives training on computer literacy, customer excellence, and substantive and procedural aspects of family law. Additional training focuses on diversity, gender and child sensitivity as well as general social context issues. A suggestion box and customer satisfaction questionnaire allows inputs and feedback on service delivery, with the aim of improving quality of services at the Centre.

Finally, only about 100 cases have been received thus far under the Recognition of Customary Marriages Act 1998 but clients have been recalled to commence with their divorce cases. An aggressive public outreach campaign will be undertaken to raise awareness in the communities, and informal capacity building training sessions are being offered to clerks. Statistics of these divorces are kept separate to keep track of the number of cases dealt with under the Act.

## AVAILABLE FROM LRG

Booklet on *Family Courts in South Africa: Proceedings of a workshop held in Cape Town in November 2000*.

(Ed.) Rashida Manjoo.  
Cost: R15 (postage free).  
Contact Hilary Burricks at

(021) 650 3914 or email at [burricks@law.uct.ac.za](mailto:burricks@law.uct.ac.za) to place your order.



## Number of cases dealt with thus far

	No of cases	Period
Divorce	49 258	1 Oct 1998 – 8 Nov 2000
Domestic violence	11 734	June 1998 – July 2000
Children's Court	1 719	August 1999- July 2000
Deceased estates	120 601	August 1999- July 2000

## COURT BY SURPRISE!

# Introducing Verulam Court

By Prithee Bodha

Senior Magistrate, Verulam



Verulam is the third oldest settlement in Natal, the first being Durban and the second Pietermaritzburg. In 1964 Verulam was declared an area for Indian occupation, and became the first and only area in the Republic under the control of an Indian local authority.

The first court was established in December 1939. During 1968 a Regional Court was added. From 1851 to 1993 there were 34 magistrates appointed in succession, all of whom were white males. During the 1980's the winds of change began to blow. Black men and women were appointed for the first time as prosecutors. These included Ms K Chetty, Ms R Subban, Ms P Naidoo, Mr H Sevlall, Mr SS Hlophe, Ms S Reddy, Mr R Padayachi and Mr R Parshotam. These individuals gave selfless service to the community of the Inanda district during a very difficult and challenging time of our history and often under trying circumstances. They continue to serve our people today in different capacities including as Magistrates, Regional Magistrates, and Chief Magistrates.

1 December 1999 denoted a historic

occasion and milestone in the history of Verulam Court when Ms R Subban, the first South African Indian and the first female in KwaZulu-Natal, was appointed Chief Magistrate of Verulam Court. Her management style embraces human rights and constitutional norms, while placing emphasis on the need to swiftly deliver high quality services to an increasing, well informed public that constantly keeps us on our toes. As magistrates, we are a closely-knit group who enjoys warm and cordial relations. A substantial number of us have also attended LRG seminars.

Verulam Court was initially a small, overcrowded building that consisted of two civil courts, three criminal courts, and two prefabricated structures that accommodated two additional courts. Now our staff comprises 146 members and we have three Regional Courts, five District Courts, three Civil Courts, a Family Court, two branch courts (Ntuzuma and Phoenix), and two periodical courts (Tongaat and Newlands). Nevertheless, there is still a need for an entire block to house the Family Court and related matters.

We believe that people will not access

their constitutional rights unless they are educated and informed of these rights. We therefore engage in a number of ongoing community outreach programmes in Kwa Mashu, Waterloo, Hambanathi, Ntuzuma, Verulam central, and Phoenix. One of the fruits of our labours is evident at Ntuzuma Magistrates' Court, where in the past there were very few applications for family violence interdicts. Since our community outreach programmes the number of applications has increased by 400 - 500%, so that in 2001, there were 1060 applications, which is unprecedented.

We need to constantly remind ourselves that there are numerous people affected daily by violence and poverty. We need to be sensitive to their needs. Thus, even when we are not in perfect health we must drive ourselves to report for duty because our strength and ability to deliver services lies in our unified front at all times.

## Kagiso Court: 'Bringing justice to the people'

Two years ago, Kagiso township's court building was vandalised. Residents were forced to travel to Krugersdorp, several kilometres away. In fact, most of the cases in Krugersdorp were then Kagiso related. Recently, an alternative court with a magistrate (John Baloyi, Chief Magistrate, Krugersdorp) and prosecutor (Fatima Khan) was set up in the conference room at the Kagiso Police Station. The advantage of having a court in such close proximity to the police station, is that in instances where the investigating officer is not present, the matter can simply be stood down to go and call her or him and can be resumed again almost immediately afterwards. This reduces the number of postponements, and allows almost half the number of cases to be finalised on the first day. The disadvantage is that accused persons may identify the court and prosecuting authority with the police. This could undermine the legitimacy and independence of the court since the public could view the magistrate and police as being 'on the same side'. In any event, this arrangement is temporary while a new court structure is being built in Kagiso. Chief Magistrate Baloyi said that (to accommodate the needs of the community) two district courts, two regional courts, a maintenance court and a domestic violence court need to be established.

Verulam  
Court



## Tribal Courts and the Recognition of Customary Marriages Act: A case study

By Lulama Nongogo

Attorney:  
Women's Legal  
Centre, Cape  
Town



The Women's Legal Centre (WLC) engages in monitoring the implementation of the Recognition of Customary Marriages Act (120/1998). One of the areas of monitoring includes Tribal Courts.

Tribal Courts are the entry point to the legal system for many rural people married under customary law. Section 8(5) of the Act provides for Tribal Authorities to mediate disputes arising prior to the dissolution of customary marriages. However, these marriages

can only be dissolved by a Family Court, a High Court, or a Divorce Court under s10 of the Administration Act (9/1929).

In the case of Ms Phindile Skhosana, the applicant was married by customary union and one minor child was born of the marriage. She was physically abused by her husband, and eventually sought refuge at her parents' house. In January 2001, she attended the Ndzundza Tribal Court and was asked whether she wanted to reconcile with her husband. Although she replied in the negative, the Tribal Court, without enquiring into her reasons, pronounced the customary marriage dissolved. She was ordered to forfeit the house and the minor child to her husband and pay R600.00 for 'imthimba'. Her father paid the money but she refused to hand over her child.

On behalf of Ms Skhosana, the WLC launched an application in the TPD to have the judgment reviewed and set aside on the basis that the Tribal Court had no jurisdiction to dissolve the customary marriage because:

- Customary marriages may only be dissolved by a Court on the grounds of irretrievable breakdown of the marriage;
- 'Court' is defined as the High Court, a Family Court or, for the purposes of dissolving a customary marriage, a Divorce Court in terms of s10 of the Administration Act (9/1929);
- Tribal Courts do not fall within the definition of Court.

The High Court granted the application and ordered the refund of R600 to Ms Skhosana's father.

## Women's access to justice

Several constitutional provisions deal with access to justice namely s9 (Equality), s12 (Freedom and security of the person), s33 (Just administrative action), s34 (Access to courts), and s35 (Arrested, detained and accused persons), which oblige the state to provide access to justice for everyone. However, women are denied this access because they struggle to access their constitutional rights, to access the courts and to access lawyers.

Most women encounter the legal system at magistrate's court level. Yet, the court system indirectly discriminates against them because we have:

- A eurocentric court system catering for men as the main participants;
- Unaffordable legal services for the poor which impacts disproportionately on women;
- Fragmented services resulting in users not knowing where to go for interrelated services;
- Lack of court infrastructure in rural areas and informal settlements, where many women reside;
- Women living under customary law in need of legal services, and many court officials and lawyers ignorant about customary law principles.

The state attempts to secure access to justice for the indigent through the legal aid system. Even though the Legal Aid Board guidelines do not exclude women,

By Chantel Fortuin  
Attorney & Coordinator  
of the Women's Rights  
Project: Legal  
Resources Centre,  
Cape Town



its policy does not reflect their lived realities. Thus, its focus on criminal matters typifies the negative impact of gender-neutral policies, which favour men, as they are most likely to commit or be accused of serious crimes. Nevertheless, the Board recently established Justice Centres with a focus on gender, dealing with civil matters such as divorce, succession, domestic violence and labour. However, this service is still unknown to many women.

Apart from state organs, civil society also has a role to play in ensuring access to justice for indigent parties. Legal NGOs such as the Legal Resources Centre (LRC) engage in impact litigation where those cases that affect a class of people are undertaken. The LRC's Women's Rights Project specifically engages in litigation for women - especially previously disadvantaged ones. This type of proactive legal work contributes to the advancement of women's rights issues. However, feminist lawyers tend to engage the 'sexy' cases - those that hit the headlines and make wonder-

ful reading material in law reports. Unfortunately, this does not always result in meaningful change in women's lives. A case in point is Ms Grootboom, who after her groundbreaking case in the Constitutional Court, is still living under the same conditions prior to the commencement of her case.

Another consequence of engaging in impact litigation only is that many women who need legal representation daily cannot be assisted. This is partly due to funder-driven mandates, lack of capacity by NGOs to assist every woman in need, etc. Experience shows that cases involving women litigants achieve better results when they have legal representation. Thus, neither state efforts to provide access to justice for women nor NGOs attempts to improve their position seem to address the real need for legal representation.

In conclusion, existing mechanisms such as constitutional provisions, Legal Aid Board etc, need to operate cohesively to make a meaningful difference to women's access to justice. Furthermore, creative ways should be explored to make this access a reality. One example is the social context training undertaken by LRG, where part of its focus is to increase judicial officers awareness and understanding of the different lived realities of women, to ensure their access to and enjoyment of substantive justice.

# A law book with a difference

## Ideological Virgins and Other Myths: Six principles for legal revisioning

By Joanne Fedler and Ilze Olckers  
Published by LRG (2001)

In this book, Joanne Fedler and Ilze Olckers draw on their considerable experience of social context training, as well as numerous contributions and insights by magistrates and academics, to produce a law book with a difference. Challenging the assumption that law is objective, impartial and impersonal, six principles are advanced to illustrate that without empathy, self-knowledge, 'diversity literacy', imagination and other qualities, law cannot be contextually appropriate. The book unpacks processes where individuals and institutions are shaped by particular ideological and life experiences. It illustrates how the delivery of justice can be enhanced by considering the historical development of law and diverse personal, social, economic and cultural circumstances that shape individual realities. Through case studies, exercises, journaling questions and other tools, the book puts social context and you, the reader, at the centre of legal understanding and legal transformation in South Africa. Magistrates who have attended LRG workshops will recognise the approach offered in the book, and see it applied in many new ways. Those who have not attended any LRG workshops will be given a glimpse of all the possibilities.

To purchase the book at a cost of R57, complete the order form enclosed and post to the LRG offices (address on page 8 and enclosed leaflet).



## BOOKS

### ON EQUALITY

#### Equality and non-discrimination in South Africa: The political economy of law and law making

By Shadrack B.O. Gutto

Published by New Africa Books (2001)

An exploration and critique of law making in the new South Africa. Substantive equality and non-discrimination law is considered from a social context highlighting areas of race, gender, disability, socio-economic rights and legal services. The capacity and potential of the judiciary and legal profession to promote and protect equality and non-discrimination rights is also examined. The book should prove invaluable to magistrates who wish to gain a better understanding of the equality jurisprudence.

#### Introduction to the Promotion of Equality and Prevention of Unfair Discrimination Act – Act 4 of 2000

(Eds) Cathi Albertyn, Beth Goldblatt & Chris Roederer

Published by Witwatersrand University Press (2001)

Containing the full text of the Act, this book is an accessible guide to magistrates who wish to get to grips with the new legislation. It analyses the substantive and procedural aspects of the Act. It aims to: explain the more complex areas of the Act; give background information on existing constitutional jurisprudence; offer suggestions on how to use the Act; provide examples to clarify issues and procedures in the Act; and provide contextual information on unfair discrimination in South Africa.

#### AVAILABLE FROM LRG:

Occasional Paper entitled **Barriers to justice: Deaf people and the courts**. By Ruth Morgan. Published by LRG

To order, at a cost of R15, contact Hilary Burricks at (021) 650 3914 or email at [burricks@law.uct.ac.za](mailto:burricks@law.uct.ac.za).

# Editorial



The skies are bluer, the days warmer, and the birds are back in the South – which means only one thing: summer's upon us and the year is at an end. And with that, we welcome Vanya Karth, newest addition to LRG in her capacity as Office Manager. We also say au revoir to Veronica da Silva as she flies to Aberdeen in January 2002 for six months, to complete a course towards her Masters in Law degree in Criminal Justice. We wish her well and count the days until her return. It's been a rushed but fruitful year. Our wings extended to various parts of the Northern Province, KwaZulu-Natal and Gauteng, where we formed new links with magistrates, maintained old links with

friends, and said hello to our Justice College compatriots. Back in the Western Cape, magistrates engaged enthusiastically in our focused day workshops on domestic violence, and accommodated our monthly programme of guest speakers on topics such as Battered Women's Syndrome, Extradition and Immigration Law, Child Justice Bill, Women's Access To Justice etc. So as we wind down, we thank you all for your ongoing support and engagement, and look forward to an even better working relationship with you next year. From all of us at LRG, we wish you well over the festive season and hope you enjoy a very good New Year!  
– **Waheeda Amlen**

## Baby boom

Many of you will remember Ingrid Hale, LRG Co-ordinator in 1996. We wish to congratulate her on the birth of her son: Baby Duncan Leslie Thomas Hale, born on 14 August 2001, weighing 9 pounds 11oz.

## Shooting stars!

Congratulations to Judy Naidoo on her appointment to the Durban Regional Court, and to Sabrina Sonnenberg on her recent appointment to the Cape Town Divorce Court. We wish them well and are confident they will rise to the occasion.

## Message from Cheryl Gillwald, Deputy Minister: Justice & Constitutional Development

News & Views for Magistrates: What an innovative idea and how well executed! Congratulations! I am convinced that the Magistrates will respond to your Newsletter with the enthusiasm that it deserves. I, for one, look forward to future editions with eager anticipation.

Good-luck for the future. May this project grow from strength to strength.

Sincerely

Cheryl E Gillwald (MP)

## Update on Equality Training

By Cathi Albertyn

Director: Centre for Applied Legal Studies, University of Witwatersrand

The Promotion of Equality and Prevention of Unfair Discrimination Act (4/2000) establishes Equality Courts in the Magistrates' and High Courts. An Equality Court officer will be designated 'by reason of his or her training, experience, expertise and suitability in the field of equality and human rights' (s16(2)(b)).

Training commenced in May 2001 when about 60 judges and magistrates attended a seminar at Aloe Ridge Conference Centre near Johannesburg, followed by a second seminar at Helderfontein Conference Centre in July 2001. One of the objectives of this national training programme is to equip

judicial officers for the task of decentralised provincial training. Local academic institutions are also involved. The first round of provincial training is in the Western Cape, Eastern Cape, KwaZulu-Natal and Gauteng. More training is anticipated next year.

Regional committees have been formed. The chairpersons are:

*Gauteng:*

Johannesburg: Judge Goldstein

Pretoria: Judge Hartzenburg

*KwaZulu-Natal:* Judge McCall

*Eastern Cape:*

East London: Judge Pickard

Port Elizabeth: Judge Kroon

Umtata: Judge Maya

*Northern Cape:* Judge Kgomo

*Mpumalanga:* Magistrate Ngobeni

*Northern Province:* Judge Hetsiane

*North West:* Judge M W Friedman

*Western Cape:* Judge Traverso

## Nervous debut



By Sabrina Sonnenberg  
(Magistrate,  
Cape Town  
Divorce Court)

I entered your arena  
Trying to digest the unknown  
Your eyes expressionless  
Yet penetrating my soul  
Already searching for the truth  
The law – I guess

It's my debut –  
God's part of it  
Age against me  
I have to face friends and foe  
To speak loudly about misfortune  
Of a thousand years ago

Pain suppressed it  
Shock forced the nightmare to the back  
of my mind  
To retrieve it – ask patience  
To logically recall it – is impossible  
I'm half pregnant I guess

My tongue refuses to speak my mind  
Embarrassment forces my head down  
It's no lie.  
I cling to my dignity and try to  
concentrate  
And tell and tell without a tear  
Yours, a difficult job I don't envy

I, the star witness, found guilty  
By Justice for wasting his time.