

First quarterly issue

As announced in the previous issue of *Consultus* the journal will be published quarterly (in March, June, September and December) with effect from 1999. Although the issues will be smaller, the amount of useful material coming to readers will not be reduced. In fact, the total number of pages to be published in the four issues will be approximately the same as that published in the two issues of 1998. Also, the contents will be more up-to-date with improved service to readers. This first issue of 1999 appears during the middle of March to enable it to include late material.

We hope to publish the remaining issues at an earlier date – and the December issue in time for readers to see it before they go on holiday. We sincerely trust that readers will find more frequent publication of the journal an improvement. We are keen to receive comment on this and the contents of the journal.

The judiciary in Zimbabwe

At its recent executive meeting the General Council of the Bar of South Africa (“the GCB”) unanimously resolved to express its grave concern relating to recent events arising from the defiance of court orders in Zimbabwe, and its support for the

stand taken by the Zimbabwean judiciary and legal profession in this regard.

There are close links between the South African and Zimbabwean legal systems. South African practitioners from time to time have the honour of appearing in Zimbabwean courts, and there are close economic and other ties which give rise to frequent legal interchange between our two countries.

South African lawyers also draw inspiration from Zimbabwean judges. Judgments in the field of human rights, in particular by both former and serving Zimbabwean chief justices, judges of appeal and puisne judges, have in many instances shown the way and are of international standing. Furthermore, South Africa followed in Zimbabwe’s footsteps, both as regards introducing a democracy governed by the highest law of a constitution, and in developing a jurisprudence which reflects the fact that we all live by and under the law.

The GCB is for these reasons deeply concerned by the recent open defiance of court orders by executive agencies in Zimbabwe. It also views with anxiety reports of the arrest and detention of journalists, their maltreatment and even torture, and the response by the executive to public protests in this regard. The apparently uncontrolled role of the military in all this is particularly disturbing.

Equally troubling is the reaction of the president of Zimbabwe in the face of the call by the judiciary (in their recent letters to him) to reiterate his previously expressed commitment to the rule of law. In an address to

the Zimbabwean nation on Saturday, 6 February 1999, the president demanded that judges who criticised government transgressions of court orders should quit and join “the political forum”. He also made the chilling suggestion that the journalists concerned had, by reason of publishing an allegedly “blatantly untrue” report, forfeited the right to the protection of the law. He referred to the letter by the three supreme court judges, McNally, Sandura and Mucsheteere, and that by Judge Adam, speaking on behalf of the judges of the High Court, “as an outrageous and deliberate act of impudence”, while at the same time he refrained from castigating the Minister of Defence and senior officials in his department who had reportedly wilfully disobeyed court orders, and he sought to justify the actions of the army which had acted outside the law in detaining the journalists.

It is clear that the independence of the judiciary, a fundamental pillar of a democratic state, is under dire threat in Zimbabwe. The GCB wishes to express its solidarity with the Zimbabwean judiciary and legal profession at this difficult time for the rule of law in their country.

It was Sir James Rose Innes, a great Chief Justice of the highest court once shared by our two countries, who said:

“Henceforth nothing either for good or for evil can be done in one part of this sub-continent which does not affect the remainder.”

Text of media statement issued by the the chairman of the General Council of the Bar of South Africa, Peter Hodes SC.

Butterworths Prizes

The 1998 Butterworths Prizes have been awarded as follows:

- 1 For the article containing the most useful and best-motivated law reform proposal to Judge K van Dijkhorst for his contribution “The criminal justice system in jeopardy. Is the Constitution our bane?” 1998 November *Consultus* 136.
- 2 For the best article on a practice-orientated subject to Gordon Hartford for his contributions “Come to think of it...” 1998 May *Consultus* 56 and 1998 November *Consultus* 129.

Juta Prize

The 1998 Juta Prize for the best contribution to *Consultus* has been awarded to Chris Marnewick SC for his contribution “Pupillage at the Durban Bar: the last twenty five years” in 1998 November *Consultus* 160.

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No prize has been awarded for the category *Constitutional Law*.