

# New Minister of Justice



Mr Mohamed Enver Surty, the new Minister of Justice and Constitutional Development, attended primary school in Rustenburg and matriculated at Lenasia High School in 1970. He obtained the degrees of BA (1970) BA Hons (1974) UDW; BProc (1977) UNISA; LLM (1996) UWC.

Mr Surty practised as an attorney in Rustenburg from 1977-1994. He acted for COSATU, especially NUM, and the ANC after its unbanning. He served in many political bodies, inter alia as negotiator for the ANC on the Bill of Rights for the period (1994-1996), and as Chief Whip of the NCOP(1999-2004) until his appointment as Deputy Minister of Education on 29 April 2004. He was a member of the JSC from 2003-2004. 

## News from England and Wales

### Court dress in England

The Lord Chief Justice has endorsed Bar Council guidance on court dress. In all proceedings before the House of Lords, the Privy Council and the Court of Appeal, counsel will continue to wear court dress, as they will when a defendant's liberty is at stake. In County Courts, business suits will be worn except during trials. Business suits will always be worn in the Commercial, Admiralty and Technology Courts. In the Family Courts, business suits will be worn except during contested petitions for divorce or annulment of marriages.

2008 September *Counsel* 5.

### New heights

More than 15 000 barristers are now registered to practise at the Bar in England and Wales, with 1 776 being called to the Bar in 2007. The figures show that a fifth of practising barristers now work in the employed Bar.

2008 August *Counsel* 4. 

## Media releases

by Patric M Mtshaulana SC, chair of the General Council of the Bar

### Stop the attacks on the judiciary

In recent weeks and months individuals and sections of our society have made serious allegations of political partiality against the judiciary. It has been alleged in some quarters that Mr Jacob Zuma, the President of the African National Congress will not receive a fair trial from the courts. It is not clear on what these allegations are based. Other sections of the society have made threats including threats of mass action. Just this week politically organised crowds embarked on mass action near the Pietermaritzburg High Court where the court was in session in a matter the conduct of which is widely regarded to be of great importance to our democracy, the independence of the judiciary and the reputation of our country. Smaller demonstrations in sympathy with the mass action in Pietermaritzburg occurred outside court buildings throughout the country. Some individuals at these gatherings expressed their opinions in intemperate language and in a way that clearly challenged our constitutional order.

Our constitution guarantees everyone the freedom of expression, the right to express their opinions and the right to demonstrate. However, if the judicial arm of government is effectively to fulfil its balancing and protecting role within the constitutional framework, the aforementioned freedom of expression has to be exercised responsibly and in a manner that will not lead to a loss of public faith in the supremacy of the Constitution and the rule of law.

Use of intemperate language in regard to the judiciary as an institution is harmful to our newly-won and still fragile democracy. The judiciary can perform its functions effectively only if it enjoys public confidence. Public faith and trust in the judiciary, its independence, integrity and fairness are important pillars on which a state based on the rule of law is anchored.

The General Council of the Bar of South Africa regards the widely publicised continuance by some quarters of intemperate statements about the judiciary as being of sufficient concern publicly to reiterate its recent call on the citizenry to protect and defend the Constitution, and jealously to uphold and protect our democracy and the rule of law. A vital component of that fight is protecting and safeguarding the respect and public confidence in the judiciary. Our people fought for and won the struggle for an independent judiciary. Undermining that important institution is to undermine the struggles and sacrifices of our people.

The GCB is deeply concerned by the failure of national leaders to speak out clearly in condemnation of the repeated intemperate and ill-considered attacks on a vital bulwark of constitutional government. It therefore calls on the executive arm of government and the leaders of all political and civic organisations to urgently and publicly recommit themselves in the public interest to respect for and allegiance to the supremacy of the Constitution and the rule of law.

7 August 2008

## New SA Cabinet

The GCB congratulates President Kgalema Motlanthe, Deputy President Baleka Mbete and the new cabinet on their appointments and wishes them, individually and collectively, every success in the discharge of their duties in high office.

The GCB offers its continued support to government in maintaining and upholding the rule of law, and in strengthening the respect owed and to be shown to the institutions of democracy in our country.

We make special mention of welcoming the appointment of Minister Enver Surty MP as the new Minister of Justice and Constitutional Development, and look forward to speedily cementing a warm and healthy working relationship with him. We pledge to him our continued support in providing the Bar's long-standing and traditional assistance in all matters relating to the administration of justice in South Africa.

29 September 2008 