

Human Rights

Overcrowded prisons, Zimbabwe and the judiciary

Brian Spilg SC, convenor of the GCB Human Rights Committee, reports as follows:

The committee has again been heavily involved in the National Initiative Forum regarding correctional services chaired by Judge Eberhard Bertelsmann and assisted by Judge Cynthia Pretorius. The Forum is concerned principally with reducing overcrowding in prisons, with particular emphasis on awaiting trial prisoners, youth offenders and the parole system. The number of State bodies and NGOs who are represented on the Forum, which meets monthly, has resulted in a wider focus. The Forum also concerns itself with issues such as child trafficking and school violence. We are presently assisting in the initiative to speed up the transcription of appeal records which has become a real problem in processing appeals.

Once again, the Zimbabwe situation loomed large. The committee assisted in compiling a number of press statements on behalf of the GCB condemning the worsening situation in that country.

The issue of judicial independence has remained of concern. First, we presented a report to the IBA committee appointed to investigate issues concerning the independence of the judiciary in South Africa and attended a meeting requested by them together with the GCB chair and other GCB executive members. Second, the committee lodged a complaint with the South African Human Rights Committee against the president of the ANC Youth League relating to his 'kill for Zuma' statement issued in the context of the criminal proceedings brought against the ANC president. We also assisted in drafting a press release on behalf of the GCB condemning Mr Malema's statement.

The committee comprises John Campbell SC, Brahm Du Plessis, Laurance Hodes, Shirley Rose, Thabiso Machaba, Steven Budlender, Karabo Kgoroadira, Keabetswe Mokotedi, Mohammed Hosanee, and Brian Spilg SC (convenor).

Members who are interested in any of the committee's initiatives are welcome to contact Brian Spilg at 011 535 1800/Cell 083 303 3344. 

Pupillage programme continues to flourish

Glenn Goosen SC, Port Elizabeth, took over the reins as national pupillage coordinator from Spicko Dickson SC in January 2008. He reports that 'thankfully the pupillage programme has been so superbly managed by Spicko that I have had no major difficulties in picking up where he left off.'

Since the last AGM the pupillage programme has continued to flourish and to deliver excellent results. In reporting on the programme I intend to highlight three issues, namely the examination results of 2007; the growth in the tutorial programme; and some planning challenges for 2009.

Examination results 2007

The 2007 NBEB examination results indicate a pass rate of 89%. This is an unprecedented achievement. These results improve on the 2006 results by an additional 4%.

171 pupils were accepted for pupillage during 2007. Of these 159 wrote the Bar Examination, 12 pupils having withdrawn from pupillage;

Six pupils qualified to write the supplementary legal writing examination in November 2007.

A total of 141 pupils passed, with 18 failures. The table below indicates the statistics per Bar:

BAR	No of pupils	RESULT
GRAHAMSTOWN	4	Pass: 2 Fail: 2 Pass rate: 50%
PORT ELIZABETH	5	Pass: 5 Fail: 0 Pass rate: 100%
CAPE	26	Pass: 26 Fail: 0 Pass rate: 100%
KZN	28	Pass: 22 Fail: 6 Pass rate: 78.5%
NORTH WEST	1	Fail: 1 Pass rate: 0%
PRETORIA	37	Pass: 31 Fail: 6 Pass rate: 83%
JOHANNESBURG	52	Pass: 49 Fail: 3 Pass rate: 94%
FREE STATE	5	Pass: 5 Pass rate: 100%
NORTHERN CAPE	1	Pass: 1 Pass rate: 100%

There can be little doubt that the achievement of an overall pass rate of 89% marks a very significant achievement by the Bar. Analysis of the results indicates that 84 candidates passed the examination outright (ie without being required to undergo an oral examination). Five failed outright. Of the 70 oral examination candidates, 11 candidates failed to rehabilitate themselves, 53 were passed and six were