

I now come to **Justice Albie Sachs**. What's to say that hasn't been said?

Justice Sachs has written extensively on culture, gender rights and the environment. [His] ... contribution to the artwork in the court is well-documented.

He has variously said:

'I heard they'd caught the guy who'd put the bomb in my car. To this day I don't know if it was true or not, but I said, "Fantastic, I'd love to meet him. I'd love to have a human, face-to-face contact with him." To humanise the relationship. The idea of being almost blotted out by someone who doesn't know me, who's only seen me in a photograph as an object to be eliminated was unbearable. And I just wanted to speak to him. And then I felt, let them put him on trial and if the evidence is sufficient to convict him beyond reasonable doubt, then let him pay. If the evidence is insufficient, he must be acquitted. And that will be my soft vengeance, his acquittal will be my soft vengeance. Because it means we're living in a country where the rule of law functions, due process functions, these values have triumphed. That will be my soft vengeance. Now I said that in the narrative, and I remembered that twenty pages earlier I also used that phrase, "that will be my soft vengeance, democracy will be my soft vengeance."'

Justice Tholakele Hope Madala was born on 13 July 1937. He played a leading role in all aspects of his community. He took silk in 1993 and was elevated to the Bench in 1994, becoming the first black judge in the Eastern Cape and the fourth black judge to be appointed in South Africa. In his work, Justice Madala reflected the sagacity that epitomised his life. He wrote:

"In my view there can be no greater carelessness, dilatoriness or negligence than to ignore a court order sounding in money, even more so when the matter emanates from a destitute person who has no means of pursuing his or her claim in a court of law. But we now have some officials who have become a law unto themselves and openly violate people's rights in a manner that shows disdain for the law, in the belief that as State officials they cannot be held responsible for their actions or inaction. Courts have had to spend too much time in trying to ensure that court orders are enforceable against the State precisely because a straightforward procedure is not available."

Chief Justice Pius Langa was born on 25 March 1939. His working life commenced in 1957 at a shirt factory; between 1960 until 1977, he served in various capacities in the Department of Justice from interpreter/messenger to magistrate. He was appointed Deputy

President of this court in August 1997 and, in November 2001, Deputy Chief Justice. He became Chief Justice and head of this court with effect from 1 June 2005. In his four years as Chief Justice he has had to deal with impossible challenges to the judiciary. He has done so, in our view, with remarkable dignity and strength of resolve in the face of adversity.

He has said, extra-curially:

'Africa simply cannot afford to ... bear more genocides, territorial wars and war-lordism; the fostering, promotion and use of child soldiers to fight in wars designed to satisfy the ambitions of grown men; the wanton abuse and rape perpetrated on women and children; schemes that result in hunger, starvation and extreme poverty. It makes good sense to say that your generation cannot and will not tolerate these evils; instead, our energies will be dedicated towards building, protecting and promoting peace, justice, the rule of law and democracy.'

'If my background makes me more sensitive to the suffering of people, so be it... even if it made me feel so (politically), any deductions about my political affiliations would be inappropriate... Political parties change and people change. A judge has to deal with each case on merit, irrespective of who is involved.'

'There is no longer place for assertions that the law can be kept isolated from politics. While they are not the same, they are inherently and necessarily linked. At the same time, transformative adjudication requires judges to acknowledge the effect of what has been referred to elsewhere as the "personal, intellectual, moral or intellectual preconceptions" on their decision-making. We all enter any decision with our own baggage, both on technical legal issues and on broader social issues. While the policy under apartheid legal culture was to deny these influences on decision-making, our Constitutional legal culture requires that we expressly accept and embrace the role that our own beliefs, opinions and ideas play in our decisions. This is vital if respect for court decisions is to flow from the honesty and cogency of the reasons given for them rather than the authority with which they are given.'

What of the future? We now know that there is no such thing as a retiring Constitutional Court Judge. Of those who went before you, we have seen their footprints (I should say tracks) throughout the land and across the globe in their never-ending affirmation of the rule of law. _

Our best wishes accompany you on that road. 📧

Stop press

New Chief Justice and Constitutional Court justices

The General Council of the Bar of SA congratulates Chief Justice Sandile Ngcobo and Justices Sisi Khampepe, Chris Jafta, Johan Froneman and Mogoeng wa Mogoeng on their appointments and wishes them, individually and collectively, every success in the discharge of their duties.

More detailed information will appear in our next issue.

GCB's new address

The offices of the General Council of the Bar of SA will move from Schreiner Chambers to Sandton on 1 December 2009. The new address will be:

**Fountain Chambers, West Wing,
Sandown Village
Cor Maude & Gwen Streets, SANDTON 2146**

PO Box 786878, SANDTON 2146

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