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**BLA STATEMENT ON JHB HIGH COURT DIRECTIVES DATED 16 MARCH
2023**

For immediate media release

The Black Lawyers Association has noted with concern the directive issued by DJP Sutherland regarding matters set down for hearing on 20 March 2023.

The directive is not only insensitive to the apartheid-inflicted poverty that still plagues the majority of Black people in our country but it also dangerously aligns the judiciary with the executive arm of the state which is the target of the shutdown.

The leadership of the Division should avoid the temptation of playing into the hands of the Executive against the protesting public, in the name of keeping court doors open.

We have previously observed this tendency whenever practitioners and the public litigated against the RAF. Some judges in Gauteng blatantly defended the RAF against the poor litigants.

The latest directive leaves the public with the irresistible conclusion that the Gauteng Division of the High Court is plainly pro-state and has abdicated its responsibility as a bulwark against oppression by the powerful in our country including the state.

National Executive Committee: Mr. Bayethe Maswazi (President), Ms. Mabaeng Lenyai (Deputy President), Ms. Charlotte Mahlatji (Secretary General), Ms. Ncumisa Sotenjwa (Deputy Secretary General), Mr. Noveni Kubayi (Treasury General), Mr. Maboku Mangena (Head: Events & Campaigns), Mr. Vumani Mthembu (Head: Legal Education & Research), Mr. Tebogo Hlapolosa (Head: Policy & Legislation) and Mr Thapelo SD Malatji (President: BLA Student Chapter).

May we all be reminded that a judiciary is meant to serve the South African public impartially. In the execution of its functions the judiciary must take into account the practical economic realities facing the majority of the people in our country.

This is not the first time that the BLA draws the leadership of the judiciary to the impact that court directives have on the poor and marginalised sections of our society. The latest directives points to a judiciary that is detached from the pain of legal practitioners who are without the luxury of data and back-up power supply in their villages and townships.

The directive is oblivious to the fact that Black legal practitioners are victims of skewed briefing patters in our country and are not on the same economic footing with their white counterparts and invariably lack resources to enable them to participate in virtual proceedings.

What is even more galling is the elitist insensitivity to the conditions of poor litigants. Take for example, the case of litigants (some who may not even be resident in Gauteng Province) who do not have internet connectivity in their homes and are forced to travel to internet cafes and lawyers' offices.

The safety of the such people and many others should be uppermost in the minds of a responsible and responsive leadership.

The BLA calls upon our members and the general population of lawyers in our country to put the interests of their employees ahead of profit and business bottom line. No workers should be placed in harm's way on the day of the shutdown.

Once again, we call upon the Honourable DJP and the entire leadership of the judiciary to reconsider the directive.

It is not the place of the judiciary to engage in political posturing. Domestically, the Constitution of the Republic of South Africa and, internationally, the Bangalore Principles of Judicial Conduct demand no less.

Although we reject the latest directives, we leave our door open for consultation and engagement with the leadership of the judiciary.

Issued by the President of the BLA

Advocate Bayethe Maswazi
16 March 2023