


draw the distinction differ too from those imposed for misconduct. Significantly, a member may be ordered to repay a fee which he/she has received or it may be ordered that he/she may not mark a fee. In England and Wales he/she may even be

ordered to pay compensation to the complainant up to a maximum of £5 000.

If we seriously 'trade on excellence', and if the quality and ethics of the Bar are as fundamental to the justice system we operate as Geoffrey Vos QC suggests

(correctly), then has the time not perhaps arrived for the formal recognition of the distinction between misconduct and inadequate service and the imposition of sanctions specifically designed to curb inadequate service? 

## **GCB press statements**

### *Unjustified attacks on judiciary*

**T**he General Council of the Bar of South Africa (the GCB) has noted the unwarranted attacks upon the integrity of the Supreme Court of Appeal (SCA) with grave concern. The mischievous suggestions that the judges hearing the Shaik appeal 'may not have read [Judge Squires'] original judgment convicting Shaik, and may have relied only on news reports' are patently unfounded. The voluminous

judgments delivered by the SCA contain a detailed analysis of the judgment of Judge Squires and of the evidence which was tendered before him.

The judgments reveal that the SCA, on its own analysis of the evidence and the findings which it made, commented that the relationship which existed between Mr Shaik and Mr Jacob Zuma was 'appropriately called "a generally corrupt relationship."' The fact that the phrase 'generally corrupt relationship' was erroneously attributed to the trial

judge (it was in fact the terminology utilised by the prosecuting authority) does not in any way detract from the integrity of the judgment of the SCA.

The GCB accordingly welcomes the statement issued on behalf of the Cabinet on 9 November 2006 in which it described unjustified, racial and ill-informed attacks on the judiciary as being both regrettable and unwelcome. Such ill-informed attacks on the judiciary can serve only to undermine the independence of the judiciary and the rule of law.

14 November 2006 

## **Erosion of human rights in Zimbabwe**

### *Press statement by the Human Rights Committee of the General Council of the Bar of South Africa*

**T**he Human Rights Committee of the General Council of the Bar of South Africa is most concerned about the further erosion of human rights in Zimbabwe.

The concern relates not only to the institutionalised brutality under the guise of law enforcement that resulted in a duly elected representative of the people and a member of Parliament being beaten and which necessitated an urgent application to court to ensure that graver harm did not befall him. It is also evident that the beating of a public figure sends a chilling message to ordinary citizens who wish to raise their voices in peaceful protest against a regime that does not subscribe to democratic values.

We are witnessing a people being denied their basic freedom of expression. In a country where the issue of rigged ballots dominated the last two elections, the suppression and the silencing of any form of criticism if not unchecked creates the genuine concern of absolute totalitarianism which has within it the seeds of chaos and no other peaceful avenue to restore democratic values. In either case, it will devastate the lives of Zimbabweans. It will also be felt throughout the entire Southern African region – and to an extent greater than that presently experienced where hundreds of thousands of Zimbabweans have fled their country because of fear from persecution or poverty.

Moreover, the refusal to allow lawful protest and lawful meetings and the threat of declaring a state of emergency is comparable to the police state of the 1970s and 1980s in South Africa.

For these reasons, it is not open to speak of a policy of non-interference in the internal affairs of another country. In any event, Zimbabwe is a member of SADC which seeks to promote the advancement of all peoples within the region and where it is also a member of the AU. As a member of the AU, Zimbabwe subscribed to the provisions of the African Charter on Human and Peoples' Rights. This committee calls on the South African government and other member states of the AU to secure Zimbabwe's compliance with its obligations under the Charter, and to facilitate the immediate securing of basic freedoms for its people.

14 March 2007 