

2/4/5/2/11

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 5

JUDICIARY AND LEGAL SYSTEMS

6TH MARCH 1995

ROOM V227

DOCUMENTATION

Embargoed until 10.30am, 6/3/95

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 5 JUDICIARY AND LEGAL SYSTEMS

Please note that a meeting of the above Committee will be held as indicated below:

Date : 6 March 1995
Time : 10h30 - 12h00
Venue : Room V227 (Old Assembly)

AGENDA

1. Opening & Welcome
2. Matters arising
3. Report on Workshop and Public Participation Programme
4. General
 - Claim Forms

Core Group meeting to follow immediately after above meeting.

A G E N D A

1. Opening
2. Assessment of Workshop and Public Participation Programme
3. Way Forward:
 - a) Report to C.C. - Role of T.E.'s / Submissions
 - b) T/C Meetings / Workshops / Public Participation Programmes
 - c) T/C participation in general C.A. P.P.P.

4. Correctional Services

5. Joint Committees

6. General

PS A delegation from T/C6 will be present at 11.30 am to formally discuss the issue of Correctional Services.

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CONSTITUTIONAL ASSEMBLY
MINUTES OF
THEME COMMITTEE 5
JUDICIARY AND LEGAL SYSTEMS
TUESDAY 7TH FEBRUARY 1995 AT 14H00

PRESENT: (JH van der Merwe, Chairperson)

Dalling DJ	Matthews VJG
De Lange J	Mduntyana SN
De Ville R	Moeti SE
Ebrahim AG	Mogale MPE (Alternate)
Fredericks GA	Mushwana ML (Alterante)
Fisher SD	Ntsizi TC (Alternate)
Ghandhi E	Nel AC
Gibson DHM	Ngcuka B
Groenewald RH	Saloojee RAM
Hofmeyer WA	Schutte DPA
Jana DP	Singh HK (Alternate)
Jassat EE	Sonjica BP
Le Roux JW (Alternate)	Van der Merwe JH
Mahlangu GL	Van Heerden F
Matthee PA	

Noel Taft and Eunice van Eck were in attendance.

APOLOGIES

Mkhatshwa S
Moosa MW
Ms L. Ngwane

1. OPENING AND WELCOME

1.1 The meeting was opened by Mr JH van der Merwe, who chaired the meeting.

2. MINUTES

The minutes of the previous meeting were adopted with the following addition:-

Technical Assistance

4 (b) (iii) It was suggested that the Technical Experts be asked to study the submissions received to date, including those from Codesa, in order to provide a summary of options to the Theme

Committee members.

3. MATTERS ARISING

It was noted that each member would be provided with 2 files; one for submissions and the other for agendas and minutes.

4. CORE GROUP REPORT

4.1 Technical Experts

The Technical experts were questioned about their availability and reported as follows:

- i) Prof. Paul Benjamin informed the meeting that he had resigned from the university and was now living and practising as an attorney in Cape Town. He would be able to devote, on average, 2 days per week to TC work.
- ii) Mrs. Leah Gcabashe reported that she was a full-time lecturer at the University of Natal and that her times were in the main flexible. She had set aside each Monday, according to the work schedule, to be available for Theme Committee meetings. She would also be available on weekends and during the April - June varsity vacation.
- iii) Judge Pierre Olivier informed the meeting that he would only be available on a part-time basis while the Appeal Court was in session. However, he would be available on the days when the Appeal Court did not meet. He also reported that he would be free from the 22nd March and the month of April; thereafter, from Mid-June to the end of July on a full-time basis. He offered to come down to Cape Town as frequently as possible and to do as much research as was needed.
- iv) Adv. J. Gauntlett was in Namibia attending to business.

It was noted that one member of the team of Technical Experts would be available on a roster basis to attend Theme Committee meetings.

- 4.2 It was agreed that the Core Group and the Secretariat would deal with all other matters relating to the Technical Experts, in particular, the processing of submissions and research.

c) Workshop

It was agreed that the Core Group would deal with the format and the programme regarding the workshop.

d) Submissions

It was reported that NADEL and Lawyers for Human Rights would address the Theme Committee on Wednesday, 8th February.

5. GENERAL

It was suggested that a progress report be drafted on the achievements of the Theme Committee thus far, especially with regard to the Technical Experts.

6. CLOSURE

The meeting rose at 4.55pm