

9 July 2015

Notice No: 2015/027



**TO ALL MEMBERS OF THE JOHANNESBURG SOCIETY OF
ADVOCATES**

Dear Colleagues

I have received a few enquiries from members who were concerned about the perceived “silence” of the Bar Council on the recent instances marking what appears to be the severest undermining of the rule of law since the advent of our young democracy.

As you might know, we have in fact expressed our views in the strongest possible terms against this development. We did so in a media statement dated 18 June 2015, shortly after the Omar al-Bashir debacle. (For obvious reasons, our statements stop short of prejudging the outcome of any pending processes in respect of the merits of that specific case.)

The enquiries have brought to my attention that the Bar Council statement may not have come to the attention of the majority of members who may have missed the media broadcasts thereof. For that reason, I have requested the Bar Council secretariat to circulate copies of the media statement to all members for your information.

Group leaders, kindly display it on your notice boards or appropriate spaces.

Kindest regards

Dali Mpofu SC

Chairperson: Johannesburg Bar Council

VAT No: 4280123037

Ground Floor, Sala House
2 Protea Place
SANDOWN 2196

P O Box 650493
BENMORE 2010

Tel: (011) 292-6900
Fax: (011) 292-6901
E-mail: jhbbar@law.co.za
jhbadmin@law.co.za

www.johannesburgbar.co.za

18 June 2015



MEDIA RELEASE

The Johannesburg Bar Council expresses its shock and serious concern over what appears to have been an act of deliberate disobedience of a court order by the South African government and its officials.

VAT No: 4280123037

Ground Floor, Sala House
2 Protea Place
SANDOWN 2196

P O Box 650493
BENMORE 2010

Tel: (011) 292-6900
Fax: (011) 292-6901
E-mail: jhbbar@law.co.za
jhbadmin@law.co.za

www.johannesburgbar.co.za

On Sunday 14 June 2015, the North Gauteng Division of the High Court of South Africa handed down an interim court order prohibiting the departure of President Omar al-Bashir from South Africa pending the finalisation of an application which was before the court and scheduled to be finalised on Monday 15 June 2015.

It is now a matter of public record that, whilst the court proceedings were still underway on 15 June and in flagrant defiance of the court order, President al-Bashir was seemingly allowed to fly out of the Waterkloof Airbase. It is inconceivable that his departure was unknown to the South African government, its leadership and/or officials

At face value, this marks an unprecedented violation of the rule of law, which is one of the foundational constitutional values of our constitutional democracy, as well as section 165(5) of the Constitution, which states that court orders are binding on persons and organs of state. Such violations must be condemned in the strongest possible terms as they would pose a serious threat to our young democracy.

The Johannesburg Bar Council calls for an urgent public enquiry or investigation into this serious matter, which might potentially have far-reaching implications for South Africa.

The South African Constitution provides adequate avenues for litigants who are dissatisfied with court orders, none of which include a blatant and seemingly contemptible defiance and disobedience thereof. Our democracy is entirely premised on the idea of the supremacy of the constitution and the independence of the judiciary.

Issued by:

THE JOHANNESBURG SOCIETY OF ADVOCATES

Contact: Adv Dali Mpofu SC
Chairperson: Johannesburg Bar Council and
Johannesburg Society of Advocates
083 260 1433

Enquiries: Ms Maria Ferreira (Administrator)
011 292 6900