

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 17978/2012

In the matter between:

JACOB GEDLEYIHLEKISA ZUMA

First Applicant

AFRICAN NATIONAL CONGRESS

Second Applicant

DUDUZILE ZUMA-SAMBUDLA

Third Applicant

and

GOODMAN GALLERY

First Respondent

CITY PRESS

Second Respondent

BRETT MURRAY

Third Respondent

WRITTEN SUBMISSIONS ON BEHALF OF THE THIRD APPLICANT

INTRODUCTION

1. There are two constitutional rights implicated in this matter: the right to inherent dignity in section 10 and the right to freedom of expression in section 16 of the Constitution of the Republic of South Africa, 1996, (“the Constitution”). The issue is whether the rights in section 16 of the Constitution of the Respondents to artistic creativity should trump the right in section 10 of the First and Third Applicants to inherent dignity and section 28(1) (d) of the Constitution. The Respondents contend that the content of their rights in section 16 of the Constitution includes; for the First

Respondent, the right to display in the public gallery an image of the First Applicant with his genitals exposed and similarly for the Second Respondent- it is the right to display on their website to which millions of people may have access to, the image of the First Applicant with his genitals exposed and for the Third Respondent, the right to create an image of the First Applicant with his genitals exposed and the right to display such an image in any public space.

2. Their interpretation of the content of the right in section 16 of the Constitution is misconceived and if accepted would include the right to insult, demean and degrade anyone's right. If the Respondents' approach to section 16 of the Constitution is accepted it would give in the hands of an artist the absolute right to denigrate and insult anybody. The Bill of Rights does not give absolute rights but makes it clear that human dignity is inviolable and is foundational to the Constitution. Inherent dignity and human dignity and the right not to be abused or degraded are the hallmarks of our constitutional system.
3. The question that arises from the public display of the First Applicant's picture in which the genitals are exposed is whether such artwork is a legitimate exercise of the freedom of expression protected in terms of section 16 of the Constitution. Furthermore, does the public display of an artwork in which the genitals of the First Applicant are exposed accords with a constitutional system that protects the inherent dignity of everyone? This question is apt because the First and Third Applicants have the inherent right to dignity in section 10 of the Constitution which must be protected and respected. Furthermore, the children of the First Applicant have rights not to be degraded. It is critical that the interpretation of section 16 of the Constitution, and

where the right to inherent dignity in section 10 is implicated, the interpreter of those competing constitutional rights must be guided by section 1(a) of the Constitution,¹ which establishes the protection of human dignity as a foundational principle of our constitutional state; section 7(1) of the Constitution² which emphasises that human dignity is the cornerstone of our constitutional rights, section 39 of the Constitution,³ which imposes a duty to place human dignity at the centre of any interpretation of constitutional rights. In addition to these provisions of the Constitution, it is important to refer to section 36 of the Constitution⁴ which provides that rights in the Bill of Rights must be limited having regard to human dignity, equality and freedom. This means that the right of the artist to artistic creativity can never be interpreted as being absolute. However the right to inherent dignity is protected and cannot be violated.

4. In these submissions we treat as common sense that the public display of a picture in which the genitals of the First Applicant are exposed violates his constitutional rights to inherent dignity, and without any justification, is unlawful and should be removed from any public display. We address the following issues:

¹ Section 1(a) states the following: “The Republic of South Africa is one, sovereign, democratic state founded on the following values:

(a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.

² Section 7(1) of the Constitution provides: “The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.”

³ Section 39 of the Constitution provides: “(1) When interpreting the Bill of Rights, a court, a tribunal or forum

—

(a) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom;

(b) ...

(c) ...

(2)... “

⁴ Section 36(1) of the Constitution provides: The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom

- 3.1. The Historical Context and the Right to Dignity: *ubuntu*
- 3.2. The constitutional rights implicated
- 3.3. The right to dignity trumps the right to freedom of expression
- 3.4. Just and equitable remedy

THE HISTORICAL CONTEXT AND THE RIGHT TO DIGNITY

- 5. The preamble to the Constitution is a national statement that introduced the Constitution and ushered a new legal dispensation on which the foundations of a democratic South Africa would be built. The Constitution was adopted as the “supreme law of the Republic so as to-

“Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental rights;

Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;

Improve the quality of life of all citizens and free the potential of each person;
and

Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.”

- 6. In *S v Makwanyane*⁵, Mohamed J gave a compelling description of the purpose of a Constitution, in particular our Constitution. He, with commendable clarity, said;

⁵ 1995 (3) SA 391 (CC) at para 262

“The South African Constitution is different: it retains from the past only what is defensible and represents a decisive break from and a ringing rejection of, that part of the past which is disgracefully racist, authoritarian, insular and repressive and a vigorous identification of and commitment to a democratic, universalistic, caring and aspirationally egalitarian ethos, expressly articulated in the Constitution. The contrast between the past which it repudiates and the future to which it seeks to commit the nation is stark and dramatic. The past institutionalised and legitimized racism. The Constitution expresses in its preamble a need for a “new order”..in which there is equality between...people of all races.” Chapter 3 of the Constitution extends the contrast, in every relevant area of endeavour (subject only to the obvious limitations of section 33). The past was redolent with statutes which assaulted the human dignity of persons on the ground of race and colour alone, section 10 constitutionally protects that dignity. ...Such a jurisprudential past created with the post amble to the Constitution recognises as a society “characterised by strife, conflict, untold suffering and injustice.” What the Constitution expressly aspires to do is to provide a transition from the grossly acceptable features of the past to a conspicuously contrasting “future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex”.

.....The need for *ubuntu* expresses the ethos of an instinctive capacity for enjoyment of love towards our fellow men and women; the joy and the fulfilment involved in recognizing their innate humanity; the reciprocity this generates in interaction within the collective community; the richness of the creative emotions which it engenders and the moral energies which it releases both in the givers and the society which they serve and are served by.”

7. Mokgoro J in *S v Makwanyane* describes “*ubuntu*” as “humanness”. She went further to describe how *ubuntu* was a fundamental principle of constitutional change:

“In its most fundamental sense, it translates as personhood and morality. Metaphorically, it expresses itself in *umuntu ngumuntu ngabantu*, describing the significance of group solidarity on survival issues so central to the survival of communities. While it envelops the key values of group solidarity, the compassion, respect, human dignity, conformity to the basic norms and collective unity, in its fundamental sense it denotes humanity and morality. Its spirit emphasises respect for human dignity, making a shift from confrontation to conciliation. In South Africa *ubuntu* has become a notion with particular resonance in the building of a democracy. It is part of our rainbow heritage, though it might have operated and still operates differently in diverse community settings. In the Western cultural heritage, respect and the value of life, manifested in the all-embracing concepts of humanity and *menswaardigheid* are also highly prized. It is values like these that section 35 requires to be promoted. They give meaning to and texture to the principles of a society based on freedom and equality.”⁶

.....

In my view, life and dignity are like two sides of the same coin. The concept of *ubuntu* embodies them both.⁷” (our emphasis)

8. O'Regan J in *S v Makwanyane* held the following about the importance of human dignity:

“The importance of dignity as a founding value of the new Constitution cannot be overemphasised. Recognising a right to dignity is an acknowledgement of the intrinsic worth of human beings: human beings are entitled to be treated as worthy of respect and concern. This right therefore is the foundation of many of the other rights that are specifically entrenched in chapter 3.”⁸

9. Then O'Regan J sought to interpret the right to dignity within its historical context and said the following;

⁶ At para 308

⁷ At para 311

⁸ At para 328

“Respect for dignity of all human beings is particularly important in South Africa. For apartheid was a denial of a common humanity. Black people were refused respect and dignity and thereby the dignity of all South Africans was diminished. The new constitution rejects this past and affirms the equal worth of all South Africans. Thus recognition and protection of human dignity is the touchstone of the new political order and is fundamental to the new constitution.”⁹

But human dignity is important to all democracies. In an aphorism coined by Ronald Dworkin ‘Because we honour dignity, we demand democracy.’ Its importance was recognised too by Cory J in *Kindler v Canada* (1992) 6 CRR (2nd) 193 (SCC) at 237 in which he held that ‘[i]t is dignity and importance of the individual which is the essence and cornerstone of democratic government.’¹⁰

10. In *S v Makwanyane*¹¹, Chaskalson P, dealing with the constitutionality of the death penalty for the crime of murder had the following to say about dignity;

“The right to life and dignity are the most important of all human rights, and the source of all other personal rights in Chapter Three. By committing ourselves to a society founded on the recognition of human rights we are required to value these two rights above all others. And this is must be demonstrated by the State in everything that it does, including the way it punishes criminals.”

11. Langa J at paragraph 218 expressing himself on the constitutionality of the death penalty referred to the principle of *ubuntu*¹² and said;

⁹ At para 329

¹⁰ At para 330

¹¹ At para 144

“The concept is of some relevance to the values we need to hold. It is a culture which places some emphasis on communality and on the interdependence of the members of a community. It recognises a person’s status as a human being, entitled to unconditional respect, dignity, value and acceptance from the members of community such person happens to be part of. It also entails the converse, however. The person has a corresponding duty to give the same respect, dignity, value and acceptance to each member of the community. More importantly, it regulates the exercise of rights by the emphasis it lays on sharing and co-responsibility and the mutual enjoyment of rights by all. It is perhaps best illustrated in the following remarks in the judgment of the Court of Appeal of the Republic of Tanzania in *DPP v Pete*¹³,

“The second important principle or characteristic to be borne in mind when interpreting our Constitution is a corollary of the reality of co-existence of the individual and society, and the reality of co-existence of rights and duties on the one hand, and the collective of communitarian rights and duties of society on the other. In effect this co-existence means that the rights and duties of the individual are limited by the rights and duties of society, and vice versa.”

An outstanding feature of *ubuntu* in a community sense is the value it puts on life and human dignity. The dominant theme of the culture is that the life of another person is at least valuable as one’s own.

12. In paragraph 227, Langa J concluded his exposition of the principle of *ubuntu* by stating the following;

¹² See paragraph 224 of Langa J judgment

¹³ [1991] LRC (Const) 553 at 566b-d, per Nyalali CJ, Makame and Ramadhani

“It is against the background of the loss for human life and the inherent dignity with (sic) attaches to every person that a spontaneous call has arisen among sections of the community for a return to *ubuntu*. A number of references to *ubuntu* have already been made in various texts but largely without explanation of the concept. It has however always been mentioned in the context of it being something to be desired, a commendable attribute which the nation should strive for.

13. The reliance on the principle of *ubuntu* in constitutional interpretation is now part of our Court’s approach to the adjudication of constitutional rights.¹⁴ It enables the interpreter of constitutional rights to balance the rights in a manner that retains human dignity as the core principle of our constitutional democracy. The principle of *ubuntu* binds us all particularly because of the historical factors that gave rise to the constitutional dispensation. It recognises that every person has inherent dignity which is inviolable. It says that everyone matters and has inherent dignity- no matter what their position in life is and it follows no one has a right to insult and degrade that human value of an individual.

CONSTITUTIONAL RIGHTS IMPLICATED

14. In **S v Mamabolo (Etv and Others Intervening) 2001 (3) SA 409 (CC)** at para 41, the Constitutional Court evaluated the relationship between the right to dignity and that of freedom of expression. It concluded that;

¹⁴ Dikoko v Mokhatla 2006 (6) SA 235, Mokgoro J at para 68; and Sachs J at para 113

“With us the right to freedom of expression cannot be said automatically to trump the right to human dignity. The right to dignity is at least as worthy of protection as the right to freedom of expression. How these two rights are to be balanced, in principle and in any particular set of circumstances, is not a question that can or should be addressed here. What is clear though and must be stated, is that freedom of expression does not enjoy a superior status in our law.”

15. The position in Mamabolo reinforced what Chaskalson P (as he then was) said in the Makwanyane case - that the “right to life and dignity are the most important of all human rights, and the source of all other personal rights in Chapter Three.” The right to dignity permeates all other rights and justifies them. All the constitutional rights protected in the Constitution are based on the right to dignity, so that the right to access equality in section 9, to life in section 11, to Freedom and security of the person in section 12, to not be subjected to slavery, servitude or forced labour in section 13, to privacy in section 14, to freedom of religion, belief and opinion in section 15, expression in section 16, to access housing in section 26 are all intended to advance and affirm the right to human dignity. The right to inherent dignity in section 10 goes to the core of what a human being is – without which such humanity would not exist. Dignity is therefore inviolable since a violation of any of the constitutional rights in the Bill of Rights is in fact a violation of the right to human dignity. Constitutional interpretation must factor the protection of human dignity as a protection of all the other rights.

16. Yacoob J in the case of Hendrick Pieter Le Roux¹⁵ said that some “attacks on human dignity are more serious than others; the violation of dignity in the context of the violation of other constitutional rights would ordinarily be regarded as more serious than otherwise.”
17. In this case, it is contended that the rights of children are implicated and violated when a picture of the First Applicant, their father is displayed with genitals exposed. The reach of the right to free expression must of necessity require the protection of human dignity. As far as the offence of this picture affects the children, Yacoob J reiterated that “courts (and I would suggest reasonable observers) are obliged to give consideration to the effect of their decisions on the rights and interests of children.”¹⁶ There are important reasons why the rights of the children should occupy the mind of an artist who seeks to display an artwork in which the genitals of their parent are exposed.
18. Paragraph 50 of the Le Roux case is applicable to this case and it is that “children are less able to protect themselves, more needful of protection and less resourceful in self-maintenance than adults.” These constitutional imperatives in section 28 have an important consequence for the way in which a court should interpret an image of the nature involved in this matter. The children of the First Applicant, some of who are younger than 18 are faced with a situation in which the image of their father with genitals exposed is a subject of discussions in numerous radio talk shows, by other children in schools where they go and in malls where they shop, in the village where they live. Their space to develop a sense of self-worth is diminished by portraying their father in the manner that the Respondents have chosen to. The consequences of

¹⁵ At para 46

¹⁶ At para 49

the offence caused to their father may open then up to abuse and degradation in their self-worth.

19. The children live within a particular cultural context of polygamy- which is protected in terms of section 30 and 31 of the Constitution. It is demeaning and degrading for the children to be exposed to picture of their father's genitals and to listen to debates about a matter that is considered sacred within the cultural context of the First Applicant's children. It cannot be consonant with the inherent dignity of the children to expose their father's genitals in a picture that is displayed in public even as a form of artistic expression. It is culturally insensitive and in bad taste. The demeaning exposition of the First Applicant's picture ostracises the children and subjects them to believe that their do not matter and have no worth.
20. The constitutional rights that are implicated go beyond that of the First Applicant's inherent dignity protected in terms of section 10 of the Constitution. The children's rights too are violated when a picture of their father stands in a public space with exposed genitals. The picture tells them that they do not matter as human beings, that their cultural upbringing is inferior and deserves no protection, that they do not come from a respectable family and therefore deserve no protection. The picture say that their father's life is worthless and has no dignity and so theirs. The artists and gallery are bound by the Constitution and when they display a picture of a father who is a President of the Republic of South Africa, they must always be alive to the rights that are implicated and violated by their conduct. The artist and the gallery does not have a right to pursue a cultural viewpoint of art in which *ubuntu* is considered weak and unsophisticated. The artist and the gallery simply have no right to insult the First

Applicant and his family, more particularly his children. The right to artistic creativity does not extend to the protection of a right to insult and degrade and demean the dignity of a family. Any contrary approach violates the very spirit, purpose and object of the Constitution. It misconstrues the value of freedom and responsibility and diminishes the very life of our constitutional state. Every interpretation of constitutional rights must be organised around the right to dignity. Inherent dignity cannot be violated because it stands as the core of the person without which the person does not exist. It is the breath of the person, the very essence of being alive.

THE RIGHTS OF THE APPLICANT MUST RECEIVE PROTECTION

21. Since there is no right of an artist to insult another person in pursuit of artistic creativity, the Respondents have not exercised a constitutional right. When the artist creates a picture of the First Applicant with his genitals exposed, he is not exercising an artistic right because there is no right of an artist to degrade another human being. The artist has a right to communicate his political speech without denigrating the inherent dignity of the First Applicant. His space as an artist is unconstrained. What the artist cannot do is to attack what he calls power and patriarchy without any regard for the constitutional rights that are implicated. If the artist is correct in his approach and interpretation of the rights he enjoys, then he would be entitled to paint a picture of a judge and display the genitals of that judge simply to attack the power of the judiciary. It could not be regarded as a legitimate exercise of artistic creativity to draw a picture of a judge with genitals exposed even as an expression of disdain for

judicial power. Such artistic expression would be considered an attack on the judiciary and even be regarded as contempt for the courts.

22. In any event, the artist's rights must always be expressed via the lenses of human dignity, equality and freedom. It must seek to advance those rights of human dignity, equality and freedom. The power of the artist cannot be legitimately exercised to insult but to criticise, to denigrate the inherent dignity of any person but to provide a value through which our South African society may reflect on itself. If the artist is correct in his interpretation of the right in section 16 of the Constitution, then the essence of *ubuntu* would be diminished and the very foundations of our society weakened.
23. The approach of the artist to his rights is dangerous because it gives the artist the power to degrade another person and to disregard the overwhelming responsibility of everyone to regard human dignity as the inviolable element of all the rights that are contained in Chapter 2. It would give the artist the right to insult African people and their customs as a form of political speech. The interpretation would mean that nothing is sacred and the very essence of *ubuntu* is disregarded. In any event, if it is accepted, which it must, that the picture of the First Applicant in which his genitals are displayed in the gallery is insulting to the inherent dignity of the First Applicant and the family, then it cannot be regarded as protected speech. No one has a right, artist included to insult the dignity of another. The Constitution itself states that the right to inherent dignity must be respected and protected. Similarly the artist has an obligation to ensure that his artistic creativity is sensitive to the constitutional rights that are implicated. This is the essence of *ubuntu* that the Constitutional Court has regarded as the lifeblood of the Constitution.

24. If the speech of the artist is not protected as we contend it is not, then the artist has violated the rights of Applicants. The artist, by producing a picture of the First Applicant with genitals exposed, violated the rights in section 10 of the Constitution. The collateral violation is that the artist violated the rights of the children to inherent dignity and not to be degraded in section 28(1)(d). Furthermore, the artist demonstrated a complete disregard of the Applicant's cultural sensitivities and presented a picture of their First Applicant in degrading manner. The fact that he regard polygamy as an expression of patriarchy and therefore repugnant simply means that he has no regard for the rights of many South African to cultural sensitivities on nudity and exposure and public display of private parts.
25. The artistic creativity would never pass muster if he had presented a picture in which the holocaust was being denied, or apartheid is presented as a humane system of government and in which slavery was regarded as a legitimate commercial activity. The right of the artist does not extend to publishing material that presents African people as less than human beings.
26. In international law, human dignity is considered and treated as the fountain of all rights. The International Covenant on Civil and Political Rights (1966), G.A Res 2200 (XXI), 21 U.N. GAOR, SUPP. (No.16) at 52, UN DOC. A/6316 (1966), in its preamble, makes references to the inherent dignity of the human person.

27. American Courts also recognise that dignity of the individual in American society is the supreme value. Even an evil offender has been held to be a human being possessed of a common dignity.¹⁷

28. In *Egan v Canada*¹⁸ the Canadian Supreme Court held that:

“This court has recognized that inherent human dignity is at the heart of individual rights in a free and democratic society . . . More than any other right in the *Charter*, s.15 gives effect to this notion . . . Equality, as that concept is enshrined as a fundamental human right within s.15 of the *Charter*, means nothing if it does not represent a commitment to recognizing each person’s equal worth as a human being, regardless of individual differences. Equality means that our society cannot tolerate legislative distinctions that treat certain people as second-class citizens, that demean them, that treat them as less capable for no good reason, or that otherwise offend fundamental human dignity.”

JUST AND EQUITABLE ORDER

29. This application is for declaration of rights order in terms of section 38 of the Constitution. The Applicants seek an order declaring that the constitutional rights of the Applicants have been infringed and continue to be infringed by the Respondent’s display and publication of a picture in which the First Applicant’s genitals are exposed. A declaration of rights would constitute an appropriate relief within the meaning of section 38 of the Constitution.¹⁹

¹⁷ *Furman v George* 408 US 238 at 273 (1972)

¹⁸ (1995) 29 CRR (2d) 79 at 104-5, internal footnotes omitted

¹⁹ Moseneke DCJ in *Dikoko* at para 90

30. Section 172 makes it mandatory that for a court – when deciding a constitutional matter within its power, must declare that any law or conduct that is inconsistent with the Constitution is invalid to the extent of its inconsistency; and may make any order that is just and equitable. In section 38 of the Constitution, a court may grant appropriate relief, including a declaration of rights. An appropriate relief would accordingly be an order as prayed for in the Notice of Motion.

[90] It seems to me that the delict of defamation implicates human dignity¹⁹ (which includes reputation)¹⁹ on the one side and freedom of expression¹⁹ on the other. Both are protected in our Bill of Rights. It may be that it is a constitutional matter because although the remedy of sentimental damages is located within the common law, it is nonetheless “appropriate relief” within the meaning of section 38¹⁹ of the Constitution. In *Fose v Minister of Safety and Security*¹⁹ this Court assumed but stopped short of deciding whether “appropriate relief” in section 7(4)(a)¹⁹ of the interim Constitution includes an award for damages where the award is required to enforce or protect rights in the Bill of Rights. The Court however made it clear that

“[T]here is no reason in principle why ‘appropriate relief’ should not include an award of damages, where such an award is necessary to protect and enforce [Chapter] 3 rights. Such awards are made to compensate persons who have suffered loss as a result of the breach of a statutory right if, on a proper construction of the statute in question, it was the Legislature’s intention that such damages should be payable, and it would be strange if damages could not be claimed for, at least, loss occasioned by the breach of a right vested in the claimant by the supreme law. When it would be appropriate to do so, and what the measure of damages should be will depend on the circumstances of each case and the particular right which has been infringed.”¹⁹ (footnotes omitted)

[91] Although these remarks in *Fose* were directed at the remedy provision of the interim Constitution, it seems to me that the same considerations apply to the “appropriate relief” envisaged in section 38 of the Constitution when an award of damages is necessary to vindicate, that is to protect and enforce rights, which aside their common law pedigree are also enshrined in the Bill of Rights. There appears to be no sound reason why common law remedies, which vindicate constitutionally entrenched rights, should not pass for appropriate relief within the reach of section 38. If anything, the Constitution is explicit that subject to its supremacy, it does not deny the existence of any other rights that are recognised and conferred by the common law.¹⁹”

31. Under further and/or alternative relief, the Court may- to advance an interpretation of constitutional rights that is anchored on the foundational principles of human dignity and consistent with the values of *ubuntu*- to order that the Respondents offer an unconditional apology to the Applicants, more particularly, the First and the Third Applicants. Such an order would resonate with the ethos of *ubuntu* that permeates constitutional interpretation. In Dikoko at paragraph 118, Sachs highlighted the value of the remedy of an apology by stating;

“I believe that the values embodied in our Constitution encourage something similar being developed in relation to defamation proceedings. In the light of the core constitutional values of *ubuntu* – *botho*, trial courts should feel encouraged pro-actively to explore mechanisms for shifting the emphasis from near-exclusive attention to quantum, towards searching for processes which enhance the possibilities of resolving the dispute between the parties, and achieving a measure of dignified reconciliation. The problem is that if the vision of the law remains as tunnelled as it is today, parties will be discouraged from seeking to repair their relationship through direct and honourable engagement with each other. Apology will continue to be seen primarily as a tactical means of reducing damages rather as a principled modality for clearing the air and restoring a measure of mutual respect. (Emphasis added)

32. An apology would go a long way to restore mutual trust between members of our society. It would be a remedy that advances the underlying values of the Constitution- human dignity, the achievement of equality and the advancement of human rights and freedoms. It would also be consonant with section 7(1) which provides that the “Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of

human dignity, equality and freedom.” Finally it would be aligned with section 39 that requires an interpreter to promote the values that underlie an open and democratic society based on human dignity, equality and freedom.

T MASUKU

MK MATHIPA

Chambers in Cape Town
and Johannesburg

23 May 2012