

Judicial Services Commission interviews

8 October 2015, afternoon session

Kwazulu-Natal High Court

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Interview of Advocate PC Bezuidenhout SC

Mogoeng: Good evening Mr Bezuidenhout. Take us through your career as a lawyer. What have you done that would prepare you for elevation to the Bench?

Bezuidenhout: I started my career as a prosecutor in the Department of Justice and Correctional Services. I then became the deputy director of Legal Services where I was involved in civil claims against the department. I then joined the Bar. To begin with I handled mainly criminal work, and later more civil work. In my thirty years at the Bar, I've encountered a wide range of legal matters.

Mogoeng: For how long have you been a Senior Counsel?

Bezuidenhout: Since April 2009.

Mogoeng: In total, how long have you acted as a Judge?

Bezuidenhout: Approximately forty three weeks.

Jappie: You've acted in both criminal and civil matters, is that correct?

Bezuidenhout: Yes. I did one session in criminal matters, the remaining eight in civil matters.

Jappie: What is your experience of the difference if any between the Durban and Pietermaritzburg divisions?

Bezuidenhout: From the point of view of practice, there is no significant difference. As an acting Judge, Pietermaritzburg has to deal with all the criminal appeals, which is a significant workload.

Jappie: What challenges did you encounter as an acting Judge?

Bezuidenhout: The challenge was mainly in the type of matter I had to deal with. I often had to do research in certain fields.

Jappie: What would you personally bring to the Bench if you were appointed?

Bezuidenhout: Experience of a wide variety of cases, my work ethic, an understanding of the needs of the population, and integrity.

Xaba: What are your views on the transformation of the judiciary?

Bezuidenhout: Transformation is a necessity. It is taking place, although perhaps not at the rate some people would like. One can assist with transformation in the way one deals with matters.

Xaba: If you are appointed to the Bench, what would you do to further the transformation agenda?

Bezuidenhout: I would assist other aspirants in preparing themselves to take up positions, which I have done over the years.

Singh: What is your view on the demographic composition of the Kwazulu-Natal Bench?

Bezuidenhout: If I remember correctly, all race groups are represented, with about twenty percent white males, which is not too far off the target.

Singh: You were involved in a matter concerning an induna. How familiar are you with cultural practices in Kwazulu-Natal?

Bezuidenhout: I have done some research along those lines, although I wouldn't say I'm an expert.

Ntlama: What is your view on the infusion of African values into adjudications?

Bezuidenhout: There is certainly a need for it, although it must be in line with the law.

Ntlama: What impact would it have on jurisprudence?

Bezuidenhout: These values could be incorporated into the judicial system.

Senior Counsel Advocate I Semanya: When the Constitution speaks about race, what does it seek to convey?

Bezuidenhout: In terms of the Constitution, everyone is equal, although it does make allowance for correcting the ills of the past.

Semanya: How would you quantify those ills and why do they need correction?

Bezuidenhout: Quantification would have to be determined in each situation.

Masutha: I believe that there is still a perception that white males in many significant fields hold/hoard the best skill and competencies, and that they therefore tend to be preferred in many important cases. If this perception is accurate, what should white males in the legal profession do to advance the cause of transformation?

Bezuidenhout: What we can do is to bring more people from other groups into the profession to show the country that they do have the ability to do the work just as well.

Masutha: Have you as an SC, contributed concretely in this regard, and if so, in what way?



Bezuidenhout: I have tried to assist many young black and female practitioners at the Bar. They come to my chambers on a daily basis to seek advice.

Ndoni: In your view, what is the connection between the rule of law and democracy?

Bezuidenhout: The rule of law is the cornerstone of a democracy, insofar as everyone is equal before the law and the Constitution.

Ndoni: How do you locate the judicial function within the rule of law and democracy?

Bezuidenhout: The role of the judiciary is to apply the laws of the country in terms of the Constitution, ensuring that they apply equally to all.

Ndoni: Can you share your vision of the future of our judicial system? What changes would you advocate and why?

Bezuidenhout: I have a positive outlook for the future of the judicial system.

Ndoni: Why do you consider yourself suitable for this position?

Bezuidenhout: I have the experience at all levels to do the work required of me. I have the respect of my peers, and have enjoyed my acting stints.

Hellens: Mr Bezuidenhout, can you give us an idea of your judicial philosophy?

Bezuidenhout: At all times, everyone must be treated equally, fairly and justly. The law must be applied fairly to everyone.

Hellens: You have appeared before the Commission before?

Bezuidenhout: Yes, in April 2014.

Hellens: Have you acted since then?

Bezuidenhout: Yes, for a total of about 16 weeks.

Hellens: Such a commitment has a significant financial impact on your advocate's practice, does it not?

Bezuidenhout: Indeed it does.

Hellens: Having been turned down once, why did you accept so much acting work?

Bezuidenhout: I was approached by the Judge-President, and I thought that if I wanted to apply again, the experience would be to my benefit.

Nkosi-Thomas: You spoke about your understanding of judicial function as being to apply the law. What about making the law?



Bezuidenhout: Yes, as far as the common law is concerned, the judiciary does make law. But it does not change the legislature, it only interprets it in line with the Constitution.

Nkosi-Thomas: Are you familiar Section 8(3)(a) of the Constitution?

Bezuidenhout: Yes, although I cannot recall the content now.

Mogoeng: You are excused, Mr Bezuidenhout.

Bezuidenhout: Thank you.



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