

**JUSTICE ALLIANCE OF SOUTH AFRICA**

**J A S A**

**ANNUAL REPORT**

**2008/9**

**PRESENTED TO SECOND AGM**

**30 APRIL 2009**

**HELD AT**

**THE JUBILEE CENTRE  
CAPE TOWN**

**ANNUAL REPORT 2008/9**  
**From Honorary Director John Smyth**

1. In my first Annual Report published at the AGM in March 2008 I wrote about the Vision, Conception and Birth of JASA and reported on the first year of its work. It was a year in which we spent a great deal of energy and time in making representations to Parliament, and we were blessed with a measure of success. On the other hand it was too early days to report on any achievements in the Courts. I simply reported that we had selected two cases to pursue in the courts in the coming year, the circumcision case and the Langebaan racism case, both in the Equality Court.
2. The past year by contrast has seen JASA absent from Parliament but busy in the courts. Our absence from Parliament has come about simply because in the last year of its life the Government gave itself to passing over a hundred pieces of legislation but we felt that only the Bills abolishing the Scorpions were worthy of our attention. In the end however, the fact that so many others joined in the Scorpions debate, led us to the conclusion that our voice would add little or nothing to what others were saying. Over and over again we have had to remind ourselves that our resources in terms of personnel and funding are so limited that we have to very selective in what we take on.
3. It is however very much my desire to be back in Parliament this coming year as soon as the new government shows its hand in respect of any moral issue.
4. It has to be said too that the plethora of legal matters which has filled the front pages of the newspapers for so long has meant that a fledgling organisation like JASA has had little opportunity to join in the public debate. I was however gratified to have a letter published in the Sunday Times on the importance of respect for the judiciary.
5. But we have been busy in the courts. The Langebaan racism case came to trial quickly in accordance with the Equality Court rules; the result may best be described as a draw in layman's terms. The Court held that the Complainants, the coloured family of street traders whose cause we had

championed, were treated appalling by the white people involved, but they were not satisfied that racism was the reason. No order for costs was made. We were so grateful to Grant Gunston Inc and Adv Murray Bridgman for acting pro bono in this case. I felt we achieved our objective of publicly demonstrating our willingness to help the poor seek justice.

6. The circumcision case, which I have handled alone, has run into choppy waters, and at least one judge who made it quite clear he did not wish to try it. This of course is entirely unacceptable, and extremely prejudicial to a public benefit organisation which has to fund my airfares to Bhisho. But we fight on. I expressed my disquiet to the Judge President personally.
7. Perhaps our highest profile case has been the case in which JASA in its own name is challenging the constitutionality of the State to refuse to pay compensation to those who wish to surrender firearms. In the last month or so we have taken huge steps forward in that two eminent counsel (a leader and junior) have accepted the case on a contingency fee basis, and at their behest the acting Judge President has ordered the case be heard on 31 August notwithstanding the failure of the State to file any defence.
8. Other matters which have kept us busy, many not yet concluded, are a successful battle with an insurance company who refused to pay up for a stolen car; an ongoing attempt to obtain justice for a doctor defamed on the web by Die Burger – this may become a test case; the refusal of the Broadcasting Complaints Commission to apply the new definition of pornography contained in the recent Sexual Offences Act – a very important issue we have taken up at the request of Africa Christian Association ; the incarceration of a 16 year old youth for a year on a murder charge where it is now conceded there was no evidence for him to answer in court; and the imminent launch of a case against Marie Stopes where a woman was, contrary to law, given no counselling whatsoever, and she is adamant that she would never have gone through with the abortion had she understood the stage of development of the unborn child in her womb.
9. Time would fail me to tell of numerous other matters in which we have advised those unable to afford lawyers, not only individuals, but Christian organisations including The Family Policy Institute, two Cape Town churches, a Pretoria Church, and very recently a UK church.

10. I hope you will appreciate from this far from exhaustive list that we are trying very hard to fulfil our mandate and use our funds wisely. You will also understand that Anne and I were so grateful for the 2 month sabbatical that we completed in March.
11. I have left the best news to last. Although our funding remains quite inadequate, and has dropped considerably since the global recession began, we now have on our team two talented legal volunteers who give at least a day a week to help me make the right decisions and do extensive research for JASA, *and* an experienced administrator, **Lucy Hollands**. **Tina Mostert** (to whom we express our warm thanks for all her services to JASA for 2 years) will shortly finish her articles and be replaced at Grant Gunston Inc by **Brendan Studti** who graduated from UCT last year; he has already proved his sterling worth working as a volunteer; **Denise Padayachee** is a talented legal graduate from Rhodes soon to embark on an advocate's pupillage. Along with **Gil Marsden** our website fundi, we are becoming a formidable team. We of course pay volunteer's expenses and I am determined that we should somehow find some funds to pay a small honorarium to each volunteer as soon as possible.
12. I cannot finish without expressing my personal thanks, and the thanks of the Board, to Tim Makamu, our first Board Chairman, who has resigned after two years service. We welcome Grant Gunston to the Board and I look forward to working even more closely with him.
13. I close therefore with the warmest thanks to all our supporters and the plea that others will come on board as prayer partners and financial partners in this work.

John Smyth QC  
Honorary Director of JASA

**30 April 2009**