

O PINION

EDITORIAL

REMEMBERING THE BRAVE ZOLEKA MANDELA

ZOLEKA Mandela has joined the likes of Hugh Masekela, Koyo Bala, Ray Phiri, Xolani Gwala, Aretha Franklin, Bob Marley and many others famous people who have succumbed to cancer.

To give an idea of how tough the battle against cancer can be, renowned Irish horse trainer Jessica Harrington is on record as saying, "I thought I had died", and "it's a big fright".

Mandela, author, activist and Madiba's granddaughter, had bravely spoken about her death on various interviews and social media platforms in her final years on this planet.

In one video, Mandela said: "there is a lot of pain. I mean, every day is different, so the form of treatment is different in the sense that in this regard they are doing a lot of trying to improve my quality of life and in reducing pain."

She also showed her humorous side, asking her followers what she should do with her frozen eggs and going on a dating app to find "a rich man" to take care of her.

She has been sharing her journey with each change in her health at a time when her life was hanging by a thread.

Just last week, Mandela said she was keeping the faith despite suffering another setback in her battle with cancer.

Like her resilient ancestors, Madiba as well as grandmother Winnie Madikizela-Mandela, she put up a fierce battle against the dreaded disease.

We wish Zoleka Mandela eternal peace on the other side and have no doubt that she is now in a better place.



Judges: Let us conduct a dark thought experiment...

Judiciary and other pillars of society are under threat

COMMENT



NKOSIKHULULE NYEMBEZI

LET US be under no illusion about the divisive political game in Parliament as it starts a parallel impeachment process for Western Cape President John Hlophe and retired Judge Nkola Motata.

The Portfolio Committee on Justice chairperson Bulelani Magwanishe said Parliament will conduct the process in terms of Section 177 of the Constitution and highlighted the importance of adopting the steps, as he said it will be the first time since 1910 that MPs investigate and vote on the impeachment of a judge.

What is unsaid in the media statements, but streaming through a broken roof, is clearly that in our divided society, there will be those who say they will not forgive MPs if they fail to stop the judge's evasion ploy that has continued over many years.

Because of deep divisions, let us conduct a dark thought experiment by imagining that judges Hlophe and Motata had successfully blagged and bullied the MPs into allowing them to escape their gross misconduct committed almost 17 years ago.

Some would say our democracy would be very sick this time. The MPs would be in disrepute with the public, as they expect a thumping two-thirds majority in the National Assembly to eventually vote in favour of the impeachment in the coming weeks.

They would argue that we would be looking at terrible damage to parliamentary scrutiny of the executive and the judiciary, which vitally depends on upholding the principle that MPs and the public can expect judges to uphold the constitution and the dignity of their judicial office.

Yet, some in our society would differ in the same way they did when the Judicial Services Commission found Hlophe guilty of misconduct, for attempting to improperly influence Constitutional Court Justices Bess Nkabinde and Chris Jafta to decide matters



AFTER years in the making and running to over 100 pages, the reports on retired judge Nkola Motata and Judge John Hlophe are eviscerating about the scale and depth of their gross misconduct, says the writer. | African News Agency (ANA) archives



that were then before the top court in favour of certain litigants almost 15 years ago.

The events leading to Motata facing a vote of impeachment are less controversial and date back to January 2007 when he crashed into the wall of a Johannesburg home and made racist comments to the homeowner. He was later convicted of driving under the influence.

The JSC initially found Motata guilty of misconduct after the 2007 accident. Freedom Under Law challenged the JSC finding in the Supreme Court of Appeal as if to stir up controversy. This challenge led to a recent court decision that he committed gross misconduct and Parliament should begin the impeachment process.

Many more have called for the two judges' removal on the same grounds, but they did not want to poke the beast. The difference between misconduct and gross misconduct is fundamental, not procedural, and its effects on the outcome of the impeachment proceedings will be profound.

It has always been the assumed basis of our constitution that no one with questionable conduct such as that attributed to Hlophe or Motata could ever come to sit on the bench, but that is what we now have to face up to.

Differences aside, if our society had let off the hook such gross misconduct, it would not have taken long for unbecoming conduct to become institutionalised in the judiciary. So the excoriating decision of the com-

mittee to institute the impeachment proceedings against the two judges is not just right, it is also imperative.

It is crucial that the committee members spoke with one voice so far (notwithstanding a few exceptions) – and they did so by producing an overwhelming majority report and adopting a framework that will guide the process.

They must be meticulous in their assembly and examination of the evidence – and they appear prepared to hear the JSC briefing on the procedure and the recommendations for impeachment. They must deliver a recommendation commensurate with the severity of the cases – and are suitably qualified to do so.

After years in the making and running to over 100 pages, the reports on Hlophe and Motata are eviscerating about the scale and depth of their gross misconduct.

During this impeachment process, many expect the MPs to do more than throw the book at the judges; they must hurl a library at them. And justly so.

The reports on each judge combine what we already know about each one's misconduct with previously unhighlighted detailed evidence to demonstrate that each is impeachable.

Previously, Hlophe greeted the decision and the process building up to his impeachment with defensive tactics, screaming about the state's constitutional duty to pay his legal costs, that his removal from office

would be a "momentous" step, and that he would have no recourse should a two-thirds majority of MPs adopt a resolution in line with the recommendation of the JSC.

His supporters are likely to continue protesting. Victimisation complaints are their cloak to disguise political ambitions to change our country into a banana republic.

Surrounded by individuals set on putting a torch to the constitutional order, they are using propaganda to set the people against Parliament and create chaos, which will emerge a survivalist democracy content with meeting the minimum standards of our aspirational values.

On the contrary, those on the side of the Freedom Under Law, which has been at the forefront of removing Hlophe from office, will see his impeachment as one of the brighter moments in the recent history of our democracy.

We are amid a titanic struggle in our society. The judiciary and many other pillars of democracy are under threat. On the one side are bad actors who seek to advance themselves and their causes by peddling self-serving political agendas, mendacity and fakery. Resisting them are those who prize personal integrity, ethical conduct, facts, veracity and rules. The defenders of integrity in public must prevail over the forces of darkness.

Nyembezi is a policy analyst, researcher and human rights activist

COMMENT



KATE HUDDLESTONE

A long journey, but signs pointing in the right direction

SOUTH African Sign Language (SASL) is now the 12th official language of the country.

While it has taken quite some time to get to this point, SASL has finally received the recognition it deserves. This was indeed something to celebrate on the International Day of Sign Languages (23 September) and the International Week of the Deaf being observed during the last week of September, which is also Deaf Awareness Month. Now that SASL is an official language, the hope is that more resources will be directed towards promoting its development in all spheres of society.

Very often, when people hear "sign language", they think there must be one "universal" sign language. This belief is wrong, however. SASL is a fully-fledged language unique to our country. Just as particular spoken languages are shared by members of a certain community and can be unintelligible to people from other communities, So, too, individual sign languages are shared by members of different Deaf communities across the world.

Because different communities use different sign languages, signers from one community will need interpreters to understand signers from other sign language communities. In South Africa, we have SASL.

SASL has evolved naturally, just like English, isiXhosa and Nama, to name a few, although it has been influenced by sign languages from elsewhere in the world. SASL, therefore, has its own vocabulary and grammar – it is not a manual code for English, Afrikaans or any other spoken South African language. For example, like many spoken languages, SASL can express verb agreement – where the form of the verb tells you who is doing the action to whom. However, what is different about SASL verb agreement is that the language uses space – the direction of the movement of a sign – to do this.

What is also interesting is that sign languages, including SASL, are processed in the same areas in the left hemisphere of the brain as spoken languages – meaning that language, whether it is produced in the auditory-oral modality of speech or the visual-gestural modality of sign, is language!

The vocabulary of SASL allows signers to express the same subtle, technical, and complex meanings that speakers of spoken languages do – the vocabulary is also able to expand to include new concepts – a process that is supported by Stellenbosch University's HandLab, which is an SASL curriculum development project aimed at empowering Deaf learners in South Africa through literacy and language development.

And just like spoken languages often have many words for the same concept – the use of different words often depending on where you grew up, how old you are, or your social class – so too does SASL have a great deal of lexical variation, although in this case, it is often a result of what school you went to. Of course, the finger spelling alphabet means that signers can introduce a word from English – or any written language – into SASL.

One feature of SASL vocabulary, and certain aspects of the grammar, is iconicity. Although spoken languages do display iconicity – where the form reflects the meaning – such as with onomatopoeia (a word that sounds like the noise it describes) and ideophones (words that vividly depict sensory experience, found in many African and Asian languages), iconicity in sign languages is much more prevalent.

Making SASL the country's 12th official language is an important step in the path to an inclusive nation, but there is a lot of work still to be done to enable Deaf South Africans to access education and services in an equitable manner. Understanding what SASL is, as a language of the South African Deaf community, will hopefully contribute towards this goal.

Dr Huddleston is a senior lecturer in sign language linguistics in the Department of General Linguistics at Stellenbosch University.

TheQuote

Courage doesn't always roar. Sometimes courage is a quiet voice at the end of the day saying, 'I will try again tomorrow'

MARY ANNE RADMACHER
Writer and an artist

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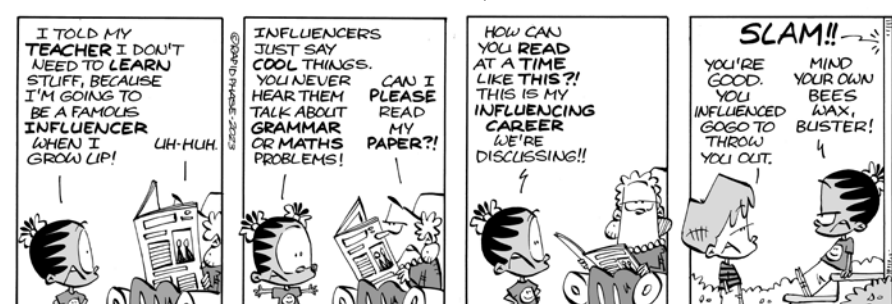
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