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SEPTEMBER 2015

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Herewith the cases in the September law reports.

JUDGMENTS OF INTEREST IN THE SEPTEMBER EDITIONS OF THE *SALR* AND *SACR* LAW REPORTS.

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SOUTH AFRICAN LAW REPORTS

The International Criminal Court

It was unconstitutional of the state to disregard ICC arrest warrants and an order of court that compelled their enforcement. The rule of law and the democratic state itself were threatened when international law and court orders were disregarded. *Southern Africa Litigation Centre v Minister of Justice and Constitutional Development and Others* 2015 (5) SA 1 (GP)

Right to transport to school

The right to basic education is meaningless without transport to and from school, at state expense, in appropriate cases. In instances where scholars' access to schools is hindered by distance and an inability to afford the costs of transport, the state is obliged to provide transport to them in order to fulfil its constitutional obligations. *Tripartite Steering Committee and Another v Minister of Basic Education and Others* 2015 (5) SA 107 (ECG)

Salary-attachment orders against the poor

Since the debtors had consented to the orders, there had been no enquiry as to affordability or whether the orders were 'just and equitable'. Most of the orders had also been obtained on written consent in jurisdictions located far from where these debtors lived and worked. *University of Stellenbosch Legal Aid Clinic and Others v Minister of Justice and Correctional Services and Others* 2015 (5) SA 221 (WCC)

SOUTH AFRICAN CRIMINAL LAW REPORTS

Heavily-armed self-defence

Police approached a remote farm in the dark of the night, armed with assault rifles, and ended up shooting dead a man who fired a shot at them when they refused to announce themselves. The court emphasised the differences between self-defence and putative self-defence. *S v Papu and Others* 2015 (2) SACR 313 (ECB)

Mentally ill to be placed in psychiatric hospital

The High Court found unconstitutional certain criminal procedure provisions requiring a mentally ill person to be placed in a psychiatric hospital, because this infringed such person's right to freedom and security of the person, as well as children's rights. The Constitutional Court gives its findings at the confirmatory proceedings. *De Vos NO and Others v Minister of Justice and Constitutional Development and Others* 2015 (2) SACR 217 (CC)

Drug courier delivered long sentence

A woman aged 46 was given an 18-year sentence, of which 4 was suspended. She had acted as a courier, carrying almost 26 kilograms of methamphetamine from one province to another. The accused could not claim ignorance of the negative and devastating repercussions of drugs on society in general and addicts, when she decided to courier such a large amount. *S v Mandlozi* 2015 (2) SACR 258 (FB)

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Kind Regards

The Juta Law Reports Team

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