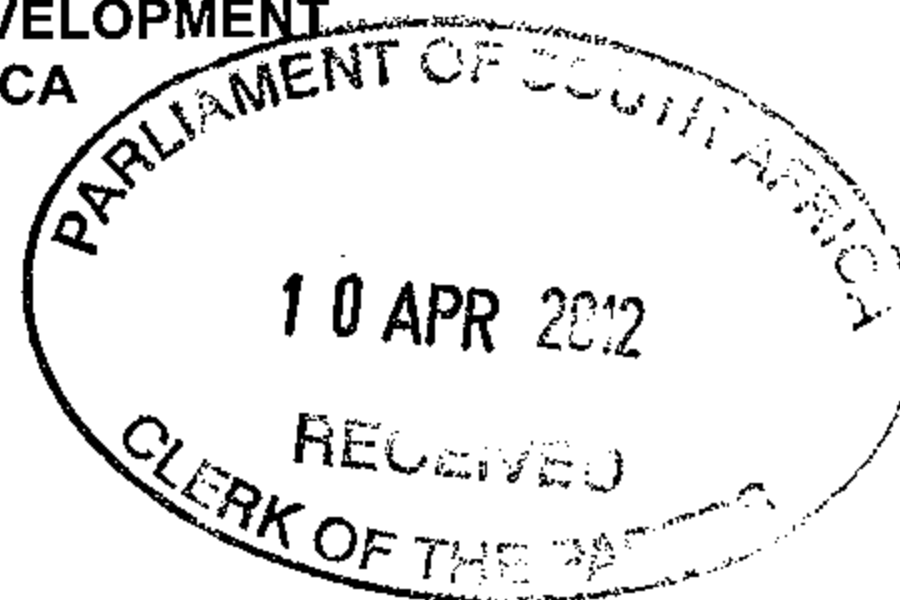




MINISTER
JUSTICE AND CONSTITUTIONAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA



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Speaker of the National Assembly
Honorable M V Sisulu
Parliament of the RSA
Cape Town
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Dear Mr Sisulu

**SUBJECT: PROGRESS REPORT: PROVISIONAL SUSPENSION OF A
MAGISTRATE: MR T R RAMBAU**

The purpose of this report is to inform Parliament about progress made in respect of the provisional suspension of Mr T R Rambau, the Magistrate in Limpopo Province in terms of section 13 (3) (f) of the Magistrates Act, No. 90 of 1993 (Act No 90 of 1993).

Kind regards

J. Tradebe

MR J T RADEBE, MP
MINISTER FOR JUSTICE AND
CONSTITUTIONAL DEVELOPMENT

DATE: 29/03/12



PROGRESS REPORT DATED 26 MARCH 2012 TO PARLIAMENT: PROVISIONAL SUSPENSION FROM OFFICE, REGIONAL MAGISTRATE T R RAMBAU, LIMPOPO PROVINCE

1. INTRODUCTION

The Magistrates Commission must in terms of section 13(3)(f) of the Magistrates Act, No. 90 of 1993 (Act) cause a report on the progress made in respect of inquiries against magistrates who have been provisionally suspended from office to be submitted to Parliament every three months.

Section 13(3)(e) of the Act provides that the provisional suspension of a magistrate in terms of paragraph (a) lapses after 60 days from the date of suspension, unless the Commission, within that period, commences its inquiry into the allegation in question by causing a written notice containing the allegations concerned to be served on the magistrate.

2. DISCUSSION

2.1 The Minister, on the advice of the Commission, provisionally suspended Mr Rambau from office with effect from 4 November 2010 which suspension was confirmed by both Houses of Parliament on 18 and 24 November 2010 respectively.

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- 2.2 On 8 February 2010, the Regional Court President of the Limpopo Province informed the Commission that Mr. Rambau, a regional magistrate at Polokwane, had been arrested for corruption on 5 February 2010. Mr. Rambau was arrested together with the prosecutor and an attorney. It is alleged that Mr. Rambau, the prosecutor and the attorney arranged the outcome of a trial by pre-determining the sentence for financial reward.
- 2.3 Mr. Rambau and his co-accused appeared in the Musina District Court on 8 February 2010 on charges of corruption. The matter was set down for 11 to 13 October 2010. The criminal case is was postponed for further hearing to 7 – 11 March 2011, 11-15 April 2011, 30 May – 3 June 2011 and inter alia to 29 August 2011 - 2 September 2011, and 10 October 2011 - 14 October 2011. The matter is still part-heard and stands postponed to 21-25 May 2012.
- 2.4 A written notice containing the allegations concerned (a charge of misconduct) dated 17 November 2010 was served on Mr. Rambau. At the misconduct inquiry, which was set down for 9 February 2011, Mr. Rambau requested the Presiding Officer to postpone the inquiry until the criminal case against him has been finalized since the criminal charge(s) preferred against him form the basis of the disciplinary proceedings against him.
- 2.5 The Presiding Officer postponed the misconduct inquiry to 8 April 2011. He requested both parties to address him on whether or not he should postpone the

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misconduct inquiry *sine die* pending the finalization of the criminal case against Mr. Rambau. Mr. Rambau instructed an attorney to represent him in the misconduct inquiry. At the misconduct inquiry on 08 April 2011 Mr. Rambau applied for the proceedings to be postponed without his attorney being present. It was placed on record that Mr. Rambau did not instruct his attorney to represent him at the inquiry. He however indicated that he instructed counsel to represent him. He further indicated that he wanted to be furnished with further particulars in respect of the misconduct charge against him. The Presiding Officer granted his request for a postponement, provided that Mr. Rambau's counsel should appear before him on the remand date and that he should formally request the Commission to be furnished with further particulars in writing.

- 2.6 On 20 June 2011 counsel appeared on behalf of Mr. Rambau at the misconduct inquiry. No further particulars were requested from the Commission at that stage. The defence again requested a postponement pending finalization of the criminal matter against Mr. Rambau. They indicated that the criminal case would likely be concluded in October 2011. The Presiding Officer granted a postponement until 12 September 2011.
- 2.7 Counsel for Mr Rambau thereafter requested disclosure and/or discovery of all documents, statements, a list of witnesses etc. from the Commission which was duly submitted.
- 2.8 Neither Mr Rambau nor his counsel were present at the last occasion. Mr Rambau submitted a medical certificate indicating that he was unfit for work, due to

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"diabetes mellitus". A new date for the continuation of the inquiry has not been determined yet.