



JUDGES MATTER

Judicial Service Commission interviews

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Limpopo Division of the High Court

Interview of Doctor A A Lamprecht

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Chairperson, Chief Justice Mogoeng: Good afternoon Dr Lamprecht.

Dr Lamprecht: Good afternoon Chief Justice.

Mogoeng: Are you well?

Lamprecht: I'm good, thank you.

Mogoeng: Just two quick questions, what was your, what kind of a Masters programme did you follow? Coursework, or coursework plus dissertation or dissertation purely?

Lamprecht: I followed a pure dissertation, research dissertation Masters.

Mogoeng: What was it about?

Lamprecht: I did the dissertation with the title "international law in the post-'94 Constitution of the Republic of South Africa – application and terminology".

Mogoeng: And the doctorate?

Lamprecht: The doctorate I did a thesis on the adjudication of international crimes in national jurisdictions.

Mogoeng: Did they enable you to perform your duties better as Magistrate, and even as an Acting Judge?

Lamprecht: I would say yes, yes the research helped me a lot.

Mogoeng: Okay, tell us just how ready you are for appointment to the High Court – in your own words, very briefly, this is who I am, this developments ever since you appointed me, this is how I have improved myself. In your own words, just tell us how ready you are.

Lamprecht: Thank you Chief Justice. Well, I did an initial B. Proc with a view to go on to LLB, however I was then called up for military service which I then grudgingly had to undertake, but after that I was appointed immediately as a senior public prosecutor, that was in 1983 somewhere, and in Tzaneen where I actually grew up and went to school. I decided to develop further so I wanted to do the LLB but then the new university did not want to recognise my Latin and Roman law that I did at the previous university, so I had to do that over. Before I did the regional court tests, I then did the Diploma just to get past the Latin and Roman law thing, and after that, after I was appointed as a regional magistrate I did my LLB, then LLM and the doctorate. I've always been a, I must choose my words carefully, a controversial and even notorious person sometimes judicial officer, because I'm not really scared at sticking my neck out to hand down judgement if there is no precedent set.

Mogoeng: Very well. Reserved judgements, a number of regional courts have been struggling to finalise cases – would you know what the cause of this is, very briefly?

Lamprecht: There are a number of causes, but the most common thing I would say, and there the law needs to be looked at, the most common thing is, especially in the regional courts where people face 15 years or even life imprisonment at times, as soon as they are out on bail, the delaying tactics start with private practitioners and so on. It's either the private practitioners are not available, or the accused person is indisposed and some things like that ,but I tend to try and finalise my rolls as quick as possible. I'm proud to say I've worked down my rolls at Mashishini of over 100 right down to 18 at the last count, and at Graskop to 13 at the last count. Then, well, from now onwards, I will be handed all the unfortunate poaching cases from the Kruger National Park, because at Mbombela they had a huge backlog of cases, so they come over to my court for the moment.

Mogoeng: And you, while acting as a Judge, disposed of your cases just as expeditiously?

Lamprecht: Yes, I'm proud to say that I did especially during my last acting stint when I did the Eastern circuit for Gauteng at Middleburg and Ermelo. I remember once finishing my two week roll at Ermelo within the first week, and then I phoned the JP and he then allocated me to Johannesburg for civil trials for the following week, which I did.

Judge President Makgoba: Doctor Lamprecht, your acting stint has been solely in Gauteng, not in Limpopo so far. It would appear that you did more of criminal trials – to what extent did you go regarding civil matters?

Lamprecht: During my first acting stint JP, I was allocated to the civil component of the High Court in Pretoria. I did two weeks and I did appeals and applications and admissions, and the other two weeks I did civil trials on a daily basis, and I think I did quite well then. And then of course during the acting stint on circuit where it was mainly criminal work, I also got exposure to civil cases where my rolls were.

Makgoba: Maybe in all fairness to you, I'll defer that to my colleague, Judge President Mlambo about your stint regarding civil matters in Gauteng, but would you regard it as enough experience which you gained to venture into being permanent on the Bench?

Lamprecht: JP I would say yes, before I was appointed as regional magistrate, I used to do only civil work in the district court and after my appointment as regional magistrate, before the law was changed to add civil jurisdiction to the regional courts, under the old law as it stood, the regional magistrate was at the same time additional magistrate for the district in which he presides so to keep myself up to date, I used to do the district's motion rolls on Fridays or whatever, just to keep abreast of the developments.

Makgoba: There's a general outcry regarding backlog cases from the magistrate court level up to High Court, and we do emphasise the fact that cases must be finalised as soon as possible –do you at this stage have any part-heard matters which could give you a sense of worry that it's unduly delayed?

Lamprecht: No, I think at this very moment I have four part-heard matters, but we are on the defence case and I think we will be able to finalise those within the next two or three weeks. I am not a person who reserves judgment, but if reserved judgement is required, it takes me a day perhaps two to prepare.

Makgoba: Now my information is to the effect that there is a certain outstanding judgement in Bushbuckridge, case number B115-2012. Now my information is to the fact that this case has been on the roll for four years. Would you try to explain why, in the light of the requirement that matters must be finalised? Perhaps let's - are you aware of - is this information correct?

Lamprecht: I'm not aware of that J,P because it's been two years since I last presided there, and at that stage there were more than 200 cases on the roll and I was assigned to go there only for four days every second week, which is totally inadequate to deal with a roll of that calibre. Ever since they, the Magistrates Commission has appointed a permanent regional magistrate there, and I'm not aware of the condition of that court roll at the moment. I am going there next week to do matters, where my colleague having recused herself.

Makgoba: Now there is a concern raised by a professional body called National Forum of Advocates. In all fairness to you, I would quote, verbatim, what they are saying and let's clear this up. It says and I quote "unfortunately we do not recommend this candidate's appointment as a Judge at this stage. He is well known to our members who practice either full time or occasionally in Mpumalanga. The candidate has been a civil servant all his occupational life as his Curriculum Vitae indicates. He has progressed from a prosecutor to regional court magistrate and he is academically well qualified. However, it is thought by some members of the National Forum of Advocates who have appeared before him in criminal cases, that he is sometimes biased in favour of the state and does not consistently apply the constitutional imperative that an accused in a criminal case is presumed innocent until proven guilty". You'll agree with me this is a sort of indictment. Maybe let's just clear this up would you.

Lamprecht: JP, it is an indictment but it comes as a surprise because I never knew about this. I've never know about it until you've just now read it, however I think my track record will show that that is not the case.

Mogoeng: Were you sent comments by professional bodies?

Lamprecht: I was sent comments only from the Black Lawyers Association and from ARMSA, and from attorney Makhanya.

Mogoeng: You never had these - the opportunity to reflect on them?

Lamprecht: No, no I never had an opportunity to reflect on that.

Mogoeng: JP, maybe you should defer that question until we have verified that he was given that document to reflect on it so as to be able to -

Mokgoba: I'll defer that question. Thanks CJ, no further questions.

MEC Sekoati: Thank you Chief Justice. Mine it is very short. Doctor Lamprecht, just to understand whether you able to take personal responsibility to make sure that matters that are before you are followed up until the logical conclusion of those matters, or cases that are in the court of law?

Lamprecht: Of course. That is part of our duties to take control of court rolls assigned to us and to see to it that every matter is expedited and dealt with as soon as possible. Any delaying tactics would be discountenance in the strongest of possible terms, and one would just get down to business and deal with it.

Mogoeng: Are you done MEC?

Sekoati: Thank you Chief Justice. I'm actually asking it within the context of the question that has been asked before.

Mogoeng: No that's fine, I just wanted to be sure if you had another question or -

Sekoati: No, on this one I'm okay, thank you.

Mlambo: It's correct you acted for, was it four weeks, in Pretoria in the civil section. You did civil trials and appeals. And I've never appointed you again – is that correct in the civil side of things?

Lamprecht: Yes, except for that one week during the circuit that the roll collapsed.

Mlambo: Can we deal with that week – you were allocated a civil trial that lasted a day.

Lamprecht: Yes, actually I did a few that lasted a day

Mlambo: But what did you do when that one - well, there's one where you wrote a judgment.

Lamprecht: Yes.

Mlambo: What happened when you finished hearing that matter?

Lamprecht: I do not understand – oh, there was an application for leave to appeal later on.

Mlambo: But am I correct, just to cut a long story short, that you heard that matter, you stood it down, the next day you didn't sit, the third day you came and rendered a judgment on that day on that matter you heard in the first day?

Lamprecht: No, I handed down the judgement the very next day in that particular matter.

Mlambo: Yes because the report from the DJP was that he had other work that he wanted to give you, but you parked yourself to write a learned judgement.

Lamprecht: JP, I would like to differ with DJP there, because I wrote the judgement overnight. I heard the arguments on the first day, and I wrote the judgement overnight and handed it down and the very next day I was handed a new civil trial.

Mlambo: Okay, I'll defer to your answer because that was a report that I got. Talking about the matter that JP Makgoba raised with you, is it incorrect that with the re-demarcation of the magisterial districts, your work in Mashishini has reduced drastically?

Lamprecht: Yes and no JP. Initially it was thought that I would transfer quite a number of cases to the Limpopo division, regional division, but in the end I finalised most of those matters on my roll. I think I transferred about five cases.

Mlambo: Did you say you reduced the backlog to 18 in Mashishini? And 13 in Graskop?

Lamprecht: That is correct.

Mlambo: I know this because I'm the JP responsible for Mpumalanga, you know that?

Lamprecht: Yes.

Mlambo: And I've had an engagement with you and your colleagues in the regional court about these issues, and the main issue was the long list of part-heard matters that the regional court magistrates always have – you remember?

Lamprecht: I remember, JP.

Mlambo: Am I incorrect to say, in your ranks, there is resistance toward what I'm doing here as JP to say finalise these matters because as I sit, I've got matters that are on the roll for six years in the regional court roll. Am I incorrect about the resistance?

Lamprecht: JP, I would say the resistance is not, um, not overt, but yes there are tangible - I could sense a resistance among colleagues of mine, however from my side I'm doing everything I can to deal with matters as soon as possible, and to prioritise matters that are on my rolls.

Mlambo: Yes, you see when I first said to the regional court President, I don't want to directly deal with regional court magistrates because they report to the regional court President, but as JP I have a responsibility, tell your guys to stop rushing to start new matters, they must finalise matters – she was completely ignored. Are you aware of that? In Mpumalanga?

Lamprecht: I never ignored - my instructions from the regional court President, or our instruction, are to enrol at least six trial cases per day, which is humanly impossible to deal with, and especially from a budgetary perspective, that is counterproductive because witnesses have to be paid fees and so on, and then you get a tendency from the officials responsible for subpoenaing witnesses to become lax, and they then just do not subpoena the witness for court, but I tend to take a very strict approach to that – a case is enrolled for me for trial, I expect it to continue on the day set down for trial.

Mlambo: You see I'm raising these issues because we testing to your suitability for appointment to the High Court. We don't subscribe to matters just idly on your rolls in the High Court – you agree with me?

Lamprecht: I agree with you.

Mlambo: And I've had this discussion with you and your fellow regional court magistrates because the report that came back to me from the regional court President was that she actually had to issue an instruction with my name on her letter to say the DJP, the JP, says the following and that's when she got some response to finalise, but despite that, there's about 25 cases in the Mpumalanga

Regional Court that are over five years old, that have awaiting trial detainees for that long – you are aware of that picture?

Lamprecht: I am aware – the latest list has been circulated with us just a week ago.

Mlambo: And it came from my office, I don't know if you know that.

Lamprecht: Yes, I noted.

Mlambo: Right, now this case that JP Makgoba sent you, it's a case that was given to me by Legal Aid South Africa because for some reason when we ask for names of judicial officers with these long outstanding cases, we don't get that information from the regional magistracy so we have to get that information from Legal Aid South Africa or from the prosecutions, and that's where your name comes up. This Chiloane matter.

Lamprecht: That particular case, as far as I know, is not part-heard before me. I finalise all my part-heard matters.

Mlambo: But do you know of this case? You don't know it?

Lamprecht: I don't know about it, not by name because I deal with hundreds of cases.

Mlambo: It's a case that's exactly four years on the roll and it involves murder and AB – what does AB mean? Attempted what? I don't know. But let me ask you this question just to be fair to you, all your colleagues names are here - you see these are the names. I'm just being fair to you, I'm not accusing you of anything, but I'm just depicting a picture to say, if you want to come to the High Court, we require a specific state of mind towards dealing with work – you understand that?

Lamprecht: I understand that.

Mlambo: Right, now let me come to a private brief matter, it's not Legal Aid and that's where you guys have problems with the private attorneys – am I correct? You don't have problems with Legal Aid delaying matters?

Lamprecht: No.

Mlambo: Now you mentioned your station is Mashishini and Graskop – am I correct that a decision was taken to take the environmental cases from Skukuza to be heard in Mashishini?

Lamprecht: Yes.

Mlambo: And then there's been an outcry that from Skukuza to Mashishini is too far, that's why you sit in Graskop?

Lamprecht: That's correct JP. The outcry was there and I had a meeting with the regional court President and advocates and then it was decided that those cases would go to Graskop, and the very next thing I knew was no, they should come to Mashishini. Then the attorneys started making a big boo-ha about that, and so on and I said well, this is not my decision, it must be taken up with the regional court President and if need be with the magistrates commissioner.

Mlambo: You see, these cases emanate from Skukuza – there is a court in Skukuza. What was the problem in the regional court sitting in Skukuza?

Lamprecht: JP, as far as I'm concerned there is no problem. I've even offered to the regional court President to go to sit in Skukuza but for some reason or the other, she flatly refused.

Mlambo: She refused for the matters to go to Skukuza where they emanate? Where the witnesses are, where everybody is, they must come to Graskop?

Lamprecht: Yes.

Mlambo: And to kick the High Court out of Graskop?

Lamprecht: Yes, that was a very unfortunate incident, JP.

Mlambo: So the High Court must now build a backlog because it has nowhere to sit?

Lamprecht: I must apologise for that JP. I had an understanding with the District Court magistrate to use the District courtroom for Regional Court while the High Court is sitting there, and for some reason or other, then the Regional Court President and the Chief Magistrate of Mbombela instructed the district magistrate to lock her courtroom and not to allow the High Court or the Regional Court to sit there, and then one day I arrived there and there was a conflict of rolls, and I phoned the Regional Court President and I said now I'm having trouble here, and she said you go and tell the High Court judge to pack up and go.

Mlambo: To go to Mashishini?

Lamprecht: Just pack up and go, and I said no I cannot do that and she actually instructed me. Then I went to the presiding Judge the second occasion this happened, and she then phoned the chairperson of the Magistrates Commission, and I spoke with him on the phone and I told him this is my position and I unfortunately cannot do anything about this, and then he phoned the Chief Magistrate and instructed them to open up the court -

Mlambo: Open up for the High Court to work?

Lamprecht: For the Regional Court to work.

Mlambo: No, they had locked out the High Court because the Regional Court uses the other courtroom there.

Lamprecht: Yes, but the High Court was using the regional courtroom at that stage and we have always in the Regional Court, if the High Court is in session even at Mashishini. I have always deferred to another courtroom because the High Court of course has precedence.

Mlambo: Ok let me just round up this, are you prepared, because you seem to be the identified Regional Court magistrate to deal with the environmental law cases, are you prepared to go and sit in Skukuza?

Lamprecht: I am prepared to go and sit there. I have voiced my -

Mlambo: So the resistance to sit there, that doesn't come from you?

Lamprecht: It doesn't come from me. I was told the, by the Regional Court President, that the courtroom there is not suitable accommodation for the Regional Court. I cannot see why. I've been sitting in small civil courtrooms when there were conflict of rolls.

Mlambo: I'm sorry I've had to take you through this, but I think it's my effort to say, when we want people to come to the High Court, which is what you demonstrated when you did that circuit court –you finished off everything, isn't it?

Lamprecht: Yes.

Mlambo: Why is the Regional Court struggling when they are sitting as regional magistrates struggling to finish? They finish when they are in the High Court, but not in their court. We are one justice system.

Lamprecht: Again I must choose my words carefully, but I must say that the calibre of prosecutors in the regional courts, are definitely not what you get in the High Court. The planning of cases, consultations with witnesses, are rarely, if ever, done on time. The same with legal practitioners -

Mogoeng: JP before I call on Commissioner Nyambi for questions, let me just say the secretariat made a mistake in relation to that document – when it became available, instead of sending it to Doctor Lamprecht, they sent again what they had already sent to him, so it was an error and he never had the opportunity to reflect on it. Commissioner Nyambi.

Commissioner Nyambi MP: Are you able to speak any African language?

Lamprecht: No sir. I am able to understand quite a number of languages, which comes with the years of experience. I grew up on a mining town where the mine dialect was spoken - the basis of that is of course isiZulu and isiXhosa, which I do not really have a problem of understanding as we go along in court cases. I must say

that the interpreters in my courts are usually kept on their toes because if ever I sense something is interpreted wrong, I would interject immediately so I'm actually known for that, but I do not speak any of those languages. I've been exposed to too many foreign languages, English being one of them of course.

Nyambi: How many languages, how many African languages in Mashishini, if I may ask?

Lamprecht: In Mashishini? Well we have Xitsonga, some, not very much, but mostly Sepedi, sometimes you get Tswana speaking there then the odd Tshivenda, and we do not have many Xhosas there or Sesotho from Bloemfontein, where I actually did my Regional Court test.

Nyambi: When responding to JP Mlambo, you said you observed the resistance. Maybe your personal contribution to assist to deal with that resistance?

Lamprecht: Well, whenever colleagues phone me, and they often do, I tell them to do their business as quick as possible and to deal with it, but unfortunately they do not really phone me that often in respect of case flow, case flow management – I often get phone calls for guidance on specific legal questions, and I'm well respected among colleagues for that but - I have spoken to colleagues whenever I saw that they were not dealing with their rolls properly, and I think I've been respected for that as well.

Nyambi: The Constitution, when dealing with the issue of appointment of judicial officers, it's making it very clear to us to consider gender and the racial composition of our country – what's your take on that?

Lamprecht: I have no take on that – the Constitution is clear, it's a constitutional imperative that has to be taken into account and the need for the judiciary to reflect broadly the racial and gender composition of the country must be taken into account by this Commission whenever recommendations are made. However, for us who are nominated, we cannot really determine whether a specific post requires that kind of transformation, but as far as transformation is considered, my specific studies on constitutional law and human rights law, clearly indicate that I am transformed by mind to uphold the values of the Constitution of this country.

Nyambi: How can the issue of race and language legitimise confidence in the judiciary?

Lamprecht: The issue of?

Nyambi: Race and language legitimise confidence in the judiciary?

Lamprecht: Well of course the litigants would like to see that the judiciary is more represent, representative of the community, not that the Judges are necessarily appointed from the community 'cause they are all lawyers, but race clearly has a role

to play in building trust in the judiciary and as do language. There are a number of courts where indigenous languages are spoken without an interpreter, and the records are even transcribed into that, however that poses a problem should such matters go on appeal and in particular the judges hearing that appeal are not capable of reading the particular language, even Afrikaans is one of those problems for some judges, but therefore the transcription services and language services are there for the courts to assist the courts in handling these matters.

Commissioner Motshekga MP: I thought the first thing you would do is to thank Judge President Mlambo – I haven't come across a JP who is hands on, who provides oversight and now firstly you have not said thank you to him. But secondly I have not heard you say you have self-observed some of these challenges and reported it to the JP. Can you tell us why?

Lamprecht: Well, the challenges that I observe, I always report them to my leadership, regional President, as soon as I become aware of them and as I'm required to do. I do not want to be accused by my leadership for going over her head and reporting directly to the Judge President.

Motshekga: Let's leave it there. You know in 1970, where were you, and what did you do?

Lamprecht: In 1970? I was still doing grade seven I think– standard five in the old terms.

Motshekga: That time when you were in standard five, I was a revenue clerk in Tzaneen, and the situation that the JP is referring to was not only the same, so would you agree there hasn't been transformation since you were in standard five, now you're a Doctor and the institution is still the same?

Lamprecht: That there has been transformation of? Yes, definitely.

Motshekga: You know in that year when I was a clerk, the communities of Tzaneen used to complain to me that the magistrates don't listen to them, they listened to people who had lawyers and they don't even care to understand what people are saying, and they prefer to go to Queen [indistinct] and were ready to take their cases there, not the courts. In 1995, when I was legal adviser to Queen [indistinct], Indian and white business people prefer to bring their cases to the Queen, 'cause they said the courts were not helpful – do you think there's a change now?

Lamprecht: I think definitely there's a change now. I am all for accessibility of the courts and justice and I think my track record would show that. In my 35 years of experience, I've had hundreds of cases appealed against my judgments -

Motshekga: As a specialist in environmental law, do you know that traditional healers have an interest in the environment?

Lamprecht: Yes, yes I do know.

Motshekga: Have you had any interaction with them?

Lamprecht: Only if the case comes before me in the court. We are not allowed to interact with the community. ... But yes, no, I'm all for the recognition of the art of traditional healership and the vocation and so I – if - especially if a person believes in a particular doctor even if it's a medical doctor, then he or she believes him.

Motshekga: Lastly, don't you think that traditional courts could help to reduce the backlogs in the courts and speed up the processes and if so, what could be done to encourage the referral of matters to traditional courts?

Lamprecht: We have no authority to refer matters to the traditional courts – we have no jurisdiction to refer matters to the traditional courts, although I recognise their authority.

Mogoeng: I have just received a note that if lunch is not consumed in the next 30 minutes it will be spoilt, so the choice is ours. There are two more Commissioners to put questions to - should we proceed? In the next 30 minutes if you don't eat they say it will be affected. Okay, can we agree that we proceed? Thank you.
Commissioner Singh.

Commissioner Singh MP: I'll be short. You did say earlier that I think next week you're going to be appearing in, is it the Mpumalanga courts to deal with poaching matters. Now poaching is a serious problem in our country. I've just come back from the CITES Conference where it was highlighted. What is your view of police investigation and prosecutorial competence that you've found in your courts dealing with the poaching matters?

Lamprecht: Well the poaching matters of course they have specialised prosecutors, and there are two operating in Mpumalanga courts at this moment, and they are perfectly competent to deal with those matters and even the police investigations, especially from the Kruger Park, I found to be stellar to say the least. It's been very good, however there is a serious backlog in those kind of cases. I heard last week from the Regional Court President, more than 100 of those cases are being transferred to my court next week. I had 24 of them on my roll recently after they had already been transferred, but they will obviously increase within the next week or two.

Singh: So you have already presided over matters that deal with poaching?

Lamprecht: Two or three yes, to finalisation.

Singh: Have you ever found from your experience that it is possible that the accused that is before there is just a pawn for large syndicates, national and international syndicates, that operate and, you know, coerce these people because of poverty

they get involved in this kind of illegal activity and what advice have you given in that regard?

Lamprecht: The big problem is those syndicates are situated in the Far East largely, and our courts do not really have jurisdiction. Then as far as experience is concerned, what usually happens is the poachers that are sent in, they are sent in in a group of three, one carrying a gun, one carrying an axe and the other one carrying a rucksack with provisions. The guy carrying a gun would get R3 000 per hit for one rhino horn. The guy who sends them in would get R80 000 and of course the rhino horn is worth more than R2 million in the actual syndicate's hands, so those people are really being exploited, but unfortunately in terms of the law you have to deal with them in order to stop people from falling for that kind of thing, but we especially, the poaching matters, we especially get from the neighbouring country, Mozambique, people infiltrating and I think prevention is better than cure – if there is better policing and better guarding of our borders, then poaching matters would decrease, and I - two weeks ago, I attended an environmental crimes workshop, and I was informed that it has decreased significantly, however the old cases are still on the roll and they still need to be dealt with.

Singh: Finally, are you satisfied that enough is being done to curb poaching?

Lamprecht: It can never be enough. I've dealt with alternative poaching matters from my court years ago where specific cycad species was reduced from 600 in the wild in a year to only 20 remained in the wild, which is really a big problem, so enough is never being done, however the manpower and the funding is a big problem.

Commissioner Malema MP: Why did you join the army?

Lamprecht: Because I was compelled to, Commissioner.

Malema: Why didn't you defy?

Lamprecht: Sorry?

Malema: Why didn't you defy? Was it a good thing to do?

Lamprecht: No, it was not a good thing to do, and it was a waste of two years of my life I would say, but I would have spent that time in prison, but I thought that in the system, I would be able to actually help against members of the South African National Defence Force commit atrocities and so on, and I think I did my part in that respect.

Malema: Now, do you support transformation?

Lamprecht: I support transformation fully.

Malema: If there's - we have to appoint two people, if we were to appoint two people, three of them have applied, all of them are qualified, one female, black female, second one, black African male, the third one, white male. Since you've said you support transformation, they've all met the requirements, what would you do?

Lamprecht: I will abide the decision of the Commission, and if it is decided to appoint the black female and the black man and leave me out of the equation, I have nothing to say about that.

Malema: But we are talking about you – remember you are going to be a Judge now, we are going to appoint you a Judge, you must start behaving like one. I'm saying you're about to make a decision – there are three people before you and you are advancing transformation, one African female, African male and a white male and you must choose two, what do you do?

Lamprecht: So I must choose as a Commissioner?

Malema: No, as an adjudicator in line with transformation.

Lamprecht: Well I believe that transformation needs to be done, and it needs to be done quickly, especially in the judiciary, so if there are not enough black and or female representation on the bench, I would go for one of them to appoint rather than the white male.

Commissioner Ntsebeza: Doctor, I just want to find out your, your involvement that you disclosed as a military legal officer. Were you in the Koevoet?

Lamprecht: No I was not in Koevoet, I was in South African Defence Force under command of General Constand Viljoen, at the time.

Ntsebeza: But Koevoet was a unit of the SADF, a covert unit?

Lamprecht: It was, it was actually a covert unit of the police, of the police force, the SA police force at that that stage, SWAPOL or South West African Police Force, as they were known.

Ntsebeza: And you had joint operations?

Lamprecht: No, I have never joined any operations, I flatly refused to do so. I think I've disclose something about this in my -

Ntsebeza: No, my question arise from that I just want to clear the air so I can clear my own mind on this particular thing - was it at the time that Eugene de Kock was at Koevoet?

Lamprecht: No, I never met Eugene de Kock and I never met any of those people. We never worked with Koevoet, and I knew about Koevoet.

Ntsebeza: You knew about Koevoet operating, affecting the western front?

Lamprecht: I was aware of that, yes.

Ntsebeza: At pretty much the same time that you were there in the military?

Lamprecht: Yes, I was trained initially, because of my B. Proc I was not trained as a legal officer, I was trained as a financial officer and that was what I was assigned to do there, however with my legal qualification and background, I was used to do most of the boards of inquiry and also prosecutions, especially prosecutions with court matials and working with the civil authorities in prosecutions of servicemen.

Ntsebeza: That's why I wanted to make sure that I don't leave here with the impression that you were in Koevoet or you had any association with Koevoet ,because it was a murderous unit.

Lamprecht: It was, I agree.

Mogoeng: Thank you Commissioner Ntsebeza. Doctor Lamprecht, you are excused.

Lamprecht: Thank you Chief Justice.