

Tweets shake up Joburg Bar members

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A Johannesburg advocate has narrowly escaped landing in hot water over comments he made on Twitter.

Vuyani Ngalwana, who is representing the police at the Marikana Commission of Inquiry, sparked a quiet controversy at the Johannesburg Bar after he tweeted comments that were critical of other advocates at the commission, including struggle icon George Bizos, who is representing the Legal Resources Centre and the Bench Marks Foundation at the commission.

In October last year, Ngalwana tweeted: "I think Bizos SC has lost it. He's asking rhetorical questions that have already been answered in SAPS (SA Police Service) statement."

Two weeks earlier, he tweeted: "The Marikana Commission seems to be used by counsel as a popularity parade, each counsel speaking for the sake of speaking."

Four advocates, who asked to remain anonymous, confirmed that Ngalwana's comments had sparked outrage among some members of the Johannesburg Bar, which regulates the profession in the city.

A complaint against Ngalwana was lodged with the professional committee of the Johannesburg Bar.

The complaint led to committee chairperson Roshan Bedhesi warning members of the Bar about the "wide circulation and impact" of tweets and Facebook messages.

Bedhesi was quoted in The Times as saying members of the Bar should desist from making "inappropriate statements" on social networking platforms because this was a breach of professional rules.

The rules do not allow members to write articles in nonlegal publications about pending cases.

City Press understands that a report recommended disciplinary steps be taken against Ngalwana, but the committee elected not to proceed with the complaint because Ngalwana was not given an opportunity to respond to the allegations against him.

Contacted for comment, Bedhesi would only say that the "professional committee has decided not to proceed with that complaint".

Ngalwana said he knew of "no complaint pending against me at the Bar".

The offending tweets have been deleted from Ngalwana's Twitter feed.

Bizos said Ngalwana apologised to him shortly after making the statement on Twitter.

"I didn't take it seriously and I thanked him for his apology.

"I think that he has learnt his lesson and that we must move forward," said Bizos.

Our 19-year old democracy is fairly intact

IT IS not easy to assess the progress of our democracy through an objective philosophical prism without evaluating the performance of the governing party. The party – or at least its leaders – can make or break a nation. It seems logical to use the party as a barometer, but it's a serious blunder. Our freedom in 1994 and democracy should not be equated with who won the elections, but whether the principles underpinning a democratic society are sustained by the rulers and the governed.

Therefore, if we were to cast aside the conduct of the ruling parties – the ANC nationally and in eight provinces, and the DA in the Western Cape – the ideals of the men and women who waited patiently on April 27, 1994 are still intact. We have a vigilant civil society, the probing media, the independent judiciary and outspoken church leaders (see Archbishop Thabo Makgoba's column).

Besides the controversial but sanitised Protection of State Information Bill passed on Thursday, no journalist is in jail for exposing corruption. Although South Africa has slipped in the Transparency International worldwide corruption perceptions index, at least corruption is exposed. Unions, as we observed with the teachers' march this week, still overstretch their constitutional freedom to picket and strike by violating the rights of others. Our prisons hold no political prisoners (except the disputed ones who, rightly so, still demand their freedom).

Despite the ugly factional battles at the Judicial Service Commission, our courts are still independent, holding the executive and legislators to account. On the other hand, the executive has jealously guarded its turf against an intrusive judiciary. Parliament remains (although its effectiveness is disputed) the open forum for accountability.

Our constitutional institutions, such as the public protector, auditor-general, Human Rights Commission and other watchdog bodies, often remind the powerful about the essence of accountability in a democracy. Despite the disturbing conduct of some of the leaders, our democracy is intact almost two decades later.

However, 1994 was not only about this first generation of rights, but for the majority of South Africans the socio-economic rights formed the primary basis of their aspirations. And this is where the performance of the ruling parties and the state's capacity to deliver services such as basic education and primary health care, and to provide for those who couldn't earn an income are tested.

However, this cannot be examined without the context of 300 years of a system that was defeated in 1994. The legacy of apartheid will pose a challenge to any government's attempt to improve the lives of its citizens. We accept that their conditions have improved in the last 19 years, but – again – incompetence and corruption is failing them.