

30 March 2012

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FOR ACTION

Legal Aid SA: Regional Operations Executives

Justice Centre Executives

High Court Unit Managers

Other Legal Aid SA staff

Other: Accredited Judicare Legal Practitioners

Agent Legal Aid Officers at Magistrates' Courts

FOR INFORMATION

See Annexure A

Dear Sir/Madam

CIRCULAR NUMBER 2 of 2012

AMENDMENTS TO THE LEGAL AID GUIDE 2012

Notice is hereby given that the Board of Legal Aid South Africa has approved the following amendment to the 2012 Legal Aid Guide (12th edition). The amendment set out below will come into effect from 1 April 2012. The underlining of words indicates the insertion of the new text.

1. CHAPTER 4

1.1 Paragraph 4.3.3 page 45

(d) Legal representation in extradition cases

Persons arrested in terms of the Extradition Act face serious charges, and extradition is a prima facie violation of human rights. Such persons risk the possibility of facing substantial injustice if unrepresented in that such person may lack the ability to place evidence before the court that the alleged charge does not warrant a prosecution in a foreign state and/or to adduce evidence that s/he is not extraditable to a foreign state.


Foreign nationals once they enter South Africa they enjoy the protection provided by the Constitution. Section 7(1) of the Constitution expressly provides that the Bill of Rights

enshrines the rights of “all people in our country”, therefore they are entitled to a right to legal representation at State expense where substantial injustice would result.

Any person arrested in terms of the Extradition Act shall be entitled to legal aid representation at such hearing.

In instances where a practitioner is appointed on a judicare basis, the practitioner shall be entitled to charge for his/her attendances in accordance with the tariffs applicable from time to time in Annexure E, as if the Extradition was a criminal trial.

Yours faithfully



Ms Vidhu Vedalankar
Chief Executive Officer
Legal Aid South Africa

FOR INFORMATION

Judiciary: The Chief Justice
The President of the Supreme Court of Appeal
Judges President: South Gauteng High Court
North Gauteng High Court
North West High Court
Limpopo High Court
Free State High Court
Northern Cape High Court
Western Cape High Court
Eastern Cape High Court, Grahamstown
Eastern Cape High Court, Port Elizabeth
Eastern Cape High Court, Mthatha
Eastern Cape High Court, Bisho
KwaZulu-Natal High Court, Pietermaritzburg
KwaZulu-Natal High Court, Durban
Land Claims Court
Labour Appeal Court
Labour Court

The Magistrates Commission

Legal Practitioners: The Law Society of the Northern Provinces
The Law Society of the Cape
The Law Society of the Free State
The Law Society of KwaZulu-Natal
The Law Society of South Africa
National Association of Democratic Lawyers
Black Lawyers Association
General Council of the Bar of South Africa
Cape Bar Council
Eastern Cape Society of Advocates (Grahamstown)
Eastern Cape Society of Advocates (Port Elizabeth)
Northern Cape Society of Advocates
Society of Advocates of the Free State
Society of Advocates of Natal (Pietermaritzburg)
Society of Advocates of Natal (Durban)
Society of Advocates of Mpumalanga
Pretoria Society of Advocates
Society of Advocates of SA (Witwatersrand Division)
North-West Bar Association
Bisho Society of Advocates (Bisho City)
Bisho Society of Advocates (East London)
The Society of Advocates of Transkei
Thohoyandou Bar Council

National Forum of Advocates
Church Square Association of Advocates
Consilium Group of Advocates

Prosecution: The National Director of Public Prosecutions

Director of Public Prosecutions: South Gauteng
North Gauteng
North West
Limpopo
Free State
Northern Cape
Western Cape
Eastern Cape, Grahamstown
Eastern Cape, Port Elizabeth
Eastern Cape, Mthatha
Eastern Cape, Bhisho
KwaZulu-Natal, Pietermaritzburg
KwaZulu-Natal, Durban

Dept of Justice & Constitutional Development: Director-General

Registrar: Constitutional Court
Supreme Court of Appeal
South Gauteng High Court
North Gauteng High Court
North West High Court
Limpopo High Court
Free State High Court
Northern Cape High Court
Western Cape High Court
Eastern Cape HC, Grahamstown
Eastern Cape HC, Port Elizabeth
Eastern Cape HC, Mthatha
Eastern Cape HC, Bhisho
KwaZulu-Natal HC, P'mburg
KwaZulu-Natal HC, Durban
Land Claims Court
Labour Appeal Court
Labour Court

Media: De Rebus
Advocate

Other: Human Rights Commission
Judicial Inspectorate of Prisons
Public Protector
Commission on Gender Equality