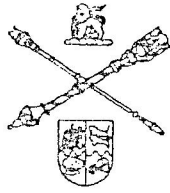


## PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

TEL: (021) 403-2911

Ref No.


 SENATE  
 PO BOX 15  
 CAPE TOWN  
 8000

7 November 1994

**The Minister of Justice**  
**Mr D. Omar**  
 Houses of Parliament  
 Cape Town  
 8001

Dear Sir

re: Izak Hermanus Labuschagne

Over a period of about 3 months the aforementioned person has sent voluminous correspondence to me. I have also met the gentleman on two occasions. During those occasions I discussed his affairs with him at some length.

Mr Labuschagne is involved in a series of very complicated civil cases in Durban both in the Supreme Court and in the Magistrate's Court.

He makes allegations which, in some respects, are backed by irrefutable evidence that go to the very root of the integrity of the system of justice in Natal. In these circumstances the writer has felt that he should refer this matter to you as you are the officer responsible for the implementation of justice in our country. Implicit in Mr Labuschagne's complaint is the influence of a secret society known as the Freemasons whose members according to Mr Labuschagne have hatched a deliberate plot to ruin him. Members of this society, according to Mr Labuschagne include judges, advocates and attorneys. The said gentlemen, according to Mr Labuschagne, are consciously doing everything, using every technique in the book to prevent Mr Labuschagne receiving the justice that he feels is his due.

According to Mr Labuschagne his problems arose when he learned that he had been inducted by his father into Masonry from his birth and he decided to resign from the society by writing a letter of resignation to the responsible officer of the society.

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Apparently members are not permitted to resign from the Freemasons . Very serious consequences flow from resignation or from revelation of the secrets of the society. To this end Freemasons swear quite frightening oaths by which they undertake to perform the most frightful acts against Masons who have strayed from the teachings of the society. I attach hereto a sample of the various oaths gleaned by Mr Labuschagne from various sources.

I attach hereto a document entitled " Report on Masks " drawn by Mr Labuschagne which sets out the beginning of the actions taken against him. The document makes disquieting reading at least.

There were further actions taken against Mr Labuschagne. I attach hereto a copy of a report entitled "Report on Administrative Irregularity among Jurists" drawn by Mr Labuschagne dated 21/10/94.


I also attach copies of an affidavit and a supplementary affidavit in case no A 175/93 instituted in the Durban and Coast Local Division. I also attach Mr Labuschagne's "Report on Administrative Irregularity among Jurists" dated 26/10/94.

One cannot assume that Mr Labuschagne, being a party in the proceedings as well as being an unrepresented , is correct in all his allegations. But at least some of the events recounted do raise a suspicion. What Mr Labuschagne also fails to mention is that he has been denied legal aid. In the circumstances of this case I would have thought that the grant of legal aid is an absolute necessity.

I request the Minister to look into the matter urgently.

Thank you

Yours faithfully

  
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Senator E.S. Mchunu

# Freemason on bench sparks judicial uproar

By CARMEL RICKARD

THE disclosure by a Supreme Court judge that he is a member of the Freemasons has rekindled controversy over whether judges should retain membership of secret societies once they are appointed to the bench.

Presiding in the Rand Supreme Court last week, Mr Justice Tom Cloete recused himself from a case where the matter of secret societies and their possible influence on judges or lawyers was an issue. He asked former businessman Izak Labuschagne, who appeared before him on behalf of the African Christian Democratic Party, which secret societies were allegedly involved. When Mr Labuschagne said he was referring among others to "Cabbalistic Jews and Freemasons", Judge Cloete disclosed that he was a Freemason and would therefore arrange for another judge to hear the matter.

Speaking afterwards, Mr Labuschagne said it was important that judges be seen to be "a hundred percent impartial". If they were part of a secret society they should not be appointed to the bench. He said he suspected many judges were members of secret societies but few of them disclosed the fact.

Judge Cloete's disclosure has led to

strong responses from members of the bar, human rights lawyers, the Association of Law Societies and other members of the profession who say it is inappropriate for judges to belong to any secret organisation, whether the Broederbond, the Freemasons or any other, and that they should be ineligible for judicial appointment if they refuse to give up membership.

However, Transvaal Judge President Frikkie Eloff appears not to share this view. Referring to a recent statement by the Lord Chancellor of England, that he could see no conflict between membership of the judiciary and of the Freemasons, Judge Eloff said he agreed with Lord Mackay.

Justice Minister Dullah Omar said it had to be asked whether membership of secret societies did not undermine the impartiality and independence of the judiciary. "If it does, something will have to be done about it."

Asked for comment, Chief Justice Mick Corbett had not yet replied at the time of going to press.

The matter surfaced in public three years ago when it was learnt that Mr Justice Willem Booysen of Natal was a member of the Broederbond. In the subsequent outcry, the judge resigned from the organisation and its executive.

Following this incident, the General Council of the Bar and the Johannesburg Bar Council took a strong stand against judges retaining membership of any secret organisations.

Current chairman of the GCB Malcolm Wallis SC said no-one should leave court wondering whether the judge was in any way influenced by membership of a secret body.

Association of Law Societies' president Tony Hardy said his organisation shared this position. The Legal Resources Centre urged that the Minister of Justice call on all judges to declare whether they belonged to any such society, and then to choose between the bench or the organisation.

Judge Cloete, on circuit in Lydenburg until the end of this week, was asked, through his clerk, for comment. However, there has been no response. Instead, Gerald Fotinakis, district Grand Master of English Freemasonry in the Transvaal, contacted the Sunday Times.

He said the principles of Freemasonry would require any judge who was a member to put the impartial administration of justice above any undertaking to assist fellow Masons, and fears about a judge's impartiality were therefore groundless.

## Hospital kit to be audited

By YVETTE van BREDA

LIFE-SAVING hospital equipment is to be examined in a national audit in an attempt to solve the "crisis" in maintenance.

The South African Association for Clinical Engineering is lobbying for legislation to govern the maintenance of medical equipment and for people who repair the equipment to be registered.

The need for legislation has been highlighted by a recent Cape Town Supreme Court finding that a private hospital was negligent as it did not have a working defibrillator on hand to revive a patient when her heart failed. The half-hour delay in restoring Rosemary Lloyd-Roberts' heartbeat left her with brain damage.

Vincent Mlongwane, a spokesman for Health Minister Dr Nkosazana Zuma, said a new directorate of Health Facility Planning had been set up to tackle the problem.

The department would carry out an audit of equipment countrywide.

ONLY A MATTER OF TIME BEFORE SEATTLE TRUMP & MARRIAGE

