

IN THE SUPREME COURT OF SOUTH AFRICA

(NORTHERN CAPE DIVISION)

In the matter of the application of -

ROBERT MANGALISO SOBUKWE

Applicant

---

P E T I T I O N

TO THE HONOURABLE THE JUDGE PRESIDENT AND THE  
OTHER THE HONOURABLE JUDGES OF THIS HONOURABLE  
COURT

The Petition of Robert Mangaliso Sobukwe humbly  
sheweth that:-

1. Your Petitioner is Robert Mangaliso Sobukwe, male, presently residing at 6 Maledi Street, Galeshewe, Kimberley, in the Province of the Cape of Good Hope.
  
2. (a) Your Petitioner was born at Graaff-Reinet, Cape Province, on the 5th day of December, 1924.
  
- (b) Your Petitioner respectfully refers to Annexure "A" hereunto attached, being a copy of an Affidavit by his mother, Angelinah Sobukwe, and dated 5th September, 1969, wherein she records this.

- (c) Your Petitioner does not have a certificate of registration of his birth, as your Petitioner's birth does not appear to have been registered.
  - (d) The original of Annexure "A" will be placed before this Honourable Court at the hearing of this application.
  - (e) Your Petitioner respectfully submits that he is a South African citizen.
- 3.
- (a) In 1949 your Petitioner obtained the degree of Bachelor of Arts as a student of the South African Native College of the University of South Africa, which college is today the University of Fort Hare.
  - (b) Your Petitioner respectfully refers to Annexure "B" hereunto attached, being a copy of the said degree certificate dated 28th April, 1950.
  - (c) The original of Annexure "B" will be placed before this Honourable Court at the hearing of this application.

4. (a) On the 30th day of March 1971, your Petitioner entered into Articles of Clerkship with HAWORTH ZONDWAKO MBAVA NZIMANDE, an Attorney of the above Honourable Court, then and presently practising as such at T.12 Nyambane Street, Galeshewe, Kimberley, in the Province of the Cape of Good Hope.
- (b) The said Articles of Clerkship were lodged with the Secretary of the Law Society of the Cape of Good Hope on the 4th day of May 1971, and were registered by the Registrar of the above Honourable Court under Number 3/71 on the 13th day of May, 1971.
- (c) The term for which your Petitioner was required to be bound by and serve under the said Articles was a period of three years, as provided by Section 6 of the Attorneys, Notaries and Conveyancers Admission Act No. 23 of 1934, as read with Paragraph 1 of the First Schedule to that Act, your Petitioner having satisfied all the requirements for a degree as referred to in the said paragraph, and as appears from Paragraph 3 (a) above.
- (d) Immediately prior to taking your Petitioner under the said Articles, the said

Haworth Zondwako Mbava Nzimande had practised continuously as an attorney on his own account for a period exceeding three years.

- (e) Your Petitioner has served the said Haworth Zondwako Mbava Nzimande as an articled clerk continuously during the whole term of service from the 30th day of March 1971 up to and including the 30th day of March 1974, having been in the actual employ of and in the office where the said Haworth Zondwako Mbava Nzimande practises at the above address, and having been under his direct personal supervision.
- (f) Your Petitioner during his said term of service has not held any office or engaged in any business whatsoever, other than clerk to and in the practice and employment of the said Haworth Zondwako Mbava Nzimande, nor has your Petitioner during the said term of service had any pecuniary interest in such practice and employment.
- (g) Since the completion of the service of his said Articles, your Petitioner has continued in the employ of the said Haworth Zondwako Mbava Nzimande at his offices at the above address and is presently so employed. Your

Petitioner respectfully submits that he has complied with the provisions of Section 5 of Act No. 23 of 1934 in regard to the entry into Articles of Clerkship and their due service.

(h) Your Petitioner respectfully refers this Honourable Court to Annexure "C", being the Affidavit of the said Haworth Zondwako Mbava Nzimande, which confirms these statements.

5. (a) Your Petitioner was registered with the University of South Africa on the 12th February, 1970, for the Attorneys Admission Examination conducted by that University.

(b) On the 18th day of May, 1974 at a congregation of the said University, your Petitioner was issued with a certificate recording that he had passed such examination.

(c) Your Petitioner respectfully refers to Annexure "D", being a copy of the said certificate.

(d) The original of Annexure "D" will be placed before this Honourable Court at

the hearing of this application.

- (e) Your Petitioner also respectfully refers to Annexure "E" hereunto attached, being the Affidavit of Jacob Stephanus Zeeman, the Student Information Officer of the said University, which confirms that your Petitioner was registered with that University for the said examination on the 12th February, 1970.
  
- (f) Your Petitioner has passed an examination in the English language, as required by the provisions of Section 10 (c) of the said Act No. 23 of 1934.
  
- (g) Your Petitioner respectfully refers to Annexure "F", being a copy of a certificate of the Department of Public Education of the Cape of Good Hope, dated the 3rd March, 1947, recording that your Petitioner had satisfied the examiners, inter alia, in the subject of English Higher in the Cape Senior Certificate Examination, and that your Petitioner was accordingly exempted from the Matriculation Examination of the Universities of South Africa.
  
- (h) The original of Annexure "F" will be placed before this Honourable Court at the hearing of this application.

- (i) Your Petitioner has passed an examination in Afrikaans, as appears from Annexure "G" hereunto attached, being a certificate dated the 17th February, 1975 signed by the Examinations Officer of the Department of Bantu Education. This examination has been certified by the Joint Matriculation Board mentioned in Section 10 (c) of Act No. 23 of 1934, being equivalent to the examination in the said language conducted at a Matriculation Examination, as referred to in the said section. Your Petitioner respectfully refers to Annexure "G.1" hereunto attached, being a copy of the certificate by the Joint Matriculation Board.
- (j) The originals of Annexures "G" and "G.1" will be placed before this Honourable Court at the hearing of this application.
- (k) Your Petitioner has passed the practical examinations referred to in paragraphs (a), (b) and (c) of Section 27 of the Act, being in respect of the practice and procedure in the Supreme Court of South Africa and in Magistrates' Courts established under the Magistrates' Courts Act, 1944, the practical bookkeeping necessary for the keeping of the books of account referred to in Section 33 (4) of the Act, and the practice, functions and duties of an

attorney.

- (l) Your Petitioner respectfully refers to Annexure "H" hereunto annexed, being a copy of the certificate by the examiners in regard to such examinations, recording that your Petitioner passed them.
  - (m) The original of Annexure "H" will be placed before this Honourable Court at the hearing of this application.
  - (n) Your Petitioner respectfully submits accordingly that he has complied with the provisions of Section 10, as read with Section 27 and Section 34 (4) of the said Act, in regard to examinations.
4. Your Petitioner's name does not appear on any list in the custody of the officer referred to in Section 8 of the Suppression of Communism Act No. 44 of 1950, and your Petitioner has not at any time been convicted of an offence under Sections 11 (a), 11 (b), 11 (b) bis, 11 (b) ter or 11 (c) of the said Act.
5. Your Petitioner therefore respectfully submits that he is not disqualified from admission to practise as an attorney of this Honourable Court,



by reason of the provisions of Section 5 quat of Act No. 44 of 1950.

6. (a) On the 4th day of May, 1960 your Petitioner was convicted in the Magistrate's Court for the Regional Division of South Transvaal held at Johannesburg on a charge of contravening Section 2 (a) of the Criminal Law Amendment Act No. 8 of 1957, and was sentenced to undergo a period of three years' imprisonment.
- (b) The allegation in essence in the charge-sheet was that your Petitioner, acting in concert with members of the Pan-Africanist Congress, incited Africans who had been issued with reference books in terms of the Bantu (Abolition of Passes and Co-ordination of Documents) Act No. 67 of 1952, not to be in possession of such reference books and, inter alia, to deface, destroy or mutilate such reference books by way of protest against that Act and in support of a campaign for its repeal.
- (c) Your Petitioner served the said period of imprisonment, and thereafter was further detained on Robben Island for a period of 6 years by order of the Minister of Justice in terms of Section 10 (1) (a) bis of the

Suppression of Communism Act No. 44 of 1950, as read with Section 10 (1) (a) ter of the said Act as amended from year to year.

- (d) On the 12th day of May, 1969 the Minister of Justice signed a notice in terms of Section 10 (1) (a) of the Suppression of Communism Act No. 44 of 1950, and which was thereafter served upon your Petitioner, the effect of which, inter alia, was to prohibit your Petitioner from being within any place or area which constitutes the premises of any superior or inferior court, as defined in the Criminal Procedure Act No. 56 of 1955, except for certain purposes, namely to attend as a witness or as a party to proceedings or to seek an exception from the magistrate to any prohibition in force against your Petitioner under the said Act. Your Petitioner was also prohibited, inter alia, from absenting himself from his residence at 6 Naledi Street, Galeshewe, Kimberley, at any time except during the period commencing at 6 in the forenoon and ending at 6 in the afternoon, and from absenting himself from the area comprising Kimberley Municipality.
- (e) Your Petitioner respectfully refers to Annexure "J", being a copy of the said notice, the original whereof will be placed

before this Honourable Court at the hearing of this application.

- (f) On the 1st March, 1971 the Minister of Justice, in terms of Section 10 (1) (b) of the said Act, varied the said notice to permit of attendance at courts for the purpose of the performance of your Petitioner's duties as an articled clerk employed by Attorney Haworth Zondwako Mbava Nzimande, which variation of notice was thereafter served upon your Petitioner.
- (g) A copy of the said variation of notice is hereunto attached marked Annexure "K", the original whereof will be placed before this Honourable Court at the hearing of this application:
- (h) On the 14th day of May, 1974 the Minister of Justice signed a similar notice in terms of Section 10 (1) (a) of Act No. 44 of 1950, which notice was thereafter served upon your Petitioner, and which repeated the prohibitions set out above, as modified by the variation order of the 1st March 1971, the term of the prohibitions in the new notice being until the 31st May, 1979.
- (i) A copy of the said notice dated the 14th May, 1974 is hereunto attached as Annexure

"L", the original whereof will be placed before this Honourable Court at the hearing of this application.

- (j) On the 14th May 1974 the Minister of Justice signed a notice in terms of Section 9 (1) of Act No. 44 of 1950, which notice was thereafter served upon your Petitioner, and the effect whereof is to prohibit your Petitioner from attending gatherings for a period expiring on the 31st May, 1979.
  
- (k) A copy of the said notice dated the 14th May, 1974 is hereunto attached as Annexure "M", the original whereof will be placed before this Honourable Court at the hearing of this application.
  
- (l) On the 20th March, 1975 the Minister of Justice in terms of Section 10 (1) (b) of Act No. 44 of 1950, again varied his notice dated the 14th May, 1974, Annexure "L", by deleting Paragraph 2 (f) thereof, the effect being to withdraw the prohibition against your Petitioner's being within any place or area which constitutes the premises of any superior or inferior court. This variation notice was served upon your Petitioner on the 8th April, 1975.

(m) Your Petitioner respectfully refers to Annexure "N", being a copy of the said variation of notice, the original whereof will be placed before this Honourable Court at the hearing of this application.

7. (a) Mr. Haworth Zondwako Mbava Nzimande, the attorney with whom your Petitioner served Articles as afore-said, had written on the 3rd February, 1975, seeking a written statement that the Minister of Justice has no objection to your Petitioner's admission as an attorney.

(b) On the 24th March, 1975 the Magistrate for Kimberley replied to Mr. Nzimande that he had been advised by the Secretary for Justice as follows:-

"With reference to your letter of 3rd February, 1975 it is pointed out that none of the disqualifications referred to in Section 5 (quat) (1) of the Suppression of Communism Act, 1950 (Act 44 of 1950) is applicable to Mr. Sobukwe. It is consequently not clear why the court will require a written statement by the Honourable the Minister of Justice that he has no objection to Mr. Sobukwe's admission as an attorney."

The Magistrate also stated that the Minister had decided to withdraw the prohibition against your Petitioner's entry of court premises.

- (c) Your Petitioner respectfully refers to Annexure "O" hereunto attached, being a copy of the said letter, and also refers to Annexure "C" hereunto attached, wherein Mr. Nzimande confirms what is said herein.
  - (d) The original of Annexure "O" will be placed before this Honourable Court at the hearing of this application.
8. (a) Your Petitioner is desirous of being admitted and enrolled as an attorney of this Honourable Court, and respectfully submits that he is a fit and proper person to be so admitted and enrolled.
- (b) Your Petitioner respectfully refers to Annexure "C", being the Affidavit of Haworth Zondwako Mbava Nzimande in this regard.
  - (c) In terms of Section 28 of Act No. 23 of 1934, your Petitioner will cause to be lodged with the Secretary of the Law Society of



THUS SIGNED AND SWORN TO AT \_\_\_\_\_ ON THIS  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 1975 BY THE DEONENT,  
WHO HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS  
THE CONTENTS OF THIS PETITION, BEFORE ME,

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COMMISSIONER OF OATHS  
PRACTISING ATTORNEY  
R.S.A.



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