

**Published in the Volksblad 5 May 2020**

## **‘JURORS’ WORDS FLY IN CYBERSPACE’**

### **This hearing a first for the Appeal Court in Bloemfontein.**

While looking through their office windows to Table Mountain, two advocates on Monday argued their clients' case in the Bloemfontein Appeal Court in the court's first cyber-appeal hearing. The five appellate judges were each at home in Bloemfontein in front of a computer screen while attorney Theo Nel and his opponent in the trial, Adv Andre La Grange SC, argued their respective client's case before the appellate judges. The arrangement to hold appeal court hearings on internet platforms came into effect yesterday in light of travel and event restrictions due to the Covid 19 pandemic.

Participants were shocked for a moment when the cannon roared off at Valeberg at exactly 12:00 - a sound Bloemfontein citizens are not used to. Appellate Judge Mahomed Navsa, as Presider of the hearing, had earlier asked that all participants limit possible noises, such as barking dogs. Nel said he then explained that it was something out of his control that caused the blow. Everyone was dressed in formal court attire with robes when they started the hearing at exactly 10:00 and everyone who participated could see and hear each other. At the start of the hearing, Navsa put it on record that it is a first in the history of the Court of Appeal for such a cyber hearing to take place. While the words flew in and out of cyber space between Bloemfontein and Cape Town as the advocates argued and the judges were energetic with questions, Botha's client, winemaker TC Botha of Rawsonville, and his attorney, Jaco Krouwkamp of Worcester, was seated before a computer screen and followed everything on the MS Teams platform.

The dispute is about water rights, a servitude water canal and watercourses and pipes between Botha and his neighbour, Carel Le Roux. The appeal follows a civil case in the Cape Town High Court where Botha won, after which Le Roux appealed to the Supreme Court of Appeal. Nel says while the legal debate was under way, he received instructions from Krouwkamp through Whats app because the attorney was not seated behind the advocate as usual. At one point, the hearing was adjourned for a while so that the attorneys and their counsel and clients could discuss the progress of the case. The hearing lasted until just before lunch and was postponed indefinitely to give the

parties a chance to deal with one technical aspect. Appeal Judge Mandisa Maya, President of the Supreme Court of Appeal, previously ordered that no hearings will be held in the court building during May. The court will still be open weekdays to complete essential administrative work. Parties also have the choice that the hearing can be conducted and disposed of without oral arguments in chambers.

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