

# My dad helped Madiba, says judge involved in Facebook race row

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The Pretoria High Court judge at the centre of a race row is the granddaughter of a former apartheid minister of native affairs and the daughter of a judge who once ruled in favour of Nelson Mandela.



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Judge Mabel Jansen angered many this week for labelling black men rapists and saying, among other things: "In their [black] culture a woman is there to pleasure them. Period. It is seen as an absolute right and a woman's consent is not required."

She has been placed on special leave. A petition for her removal has been launched.

Yesterday the Judicial Service Commission released the transcript of Jansen's October 2013 interview for a position on the bench in which she revealed that her grandfather was Ernest George Jansen, an advocate who joined the National Party and was the second-last governor-general of the Union of South Africa - from 1950 to 1959.

He also held the position of minister of native affairs on two occasions and was replaced by Hendrik Verwoerd, because it was said he was too soft in enforcing apartheid.

She revealed that her father, Erns Louis Jansen, was an Appeal Court judge who wrote a 1983 judgment in *Mandela vs*

Minister of Prisons in which he upheld the right of prisoners to give written instructions to legal advisers without the approval of the commissioner of prisons.

Jansen described her father in the interview as "a voice crying in the desert" at a time when Mandela and others were being denied adequate legal representation.

"He voiced those opinions a long time ago and he wasn't afraid to do so," she said. A panellist on the commission commented that because of her lineage she was a "princess".

She responded: "I doubt it. I've never felt like a princess. I was the Raggedy Ann of the legal profession for many, many years. I had to battle, really battle to make it ..."

During the vigorous interview she was at pains to describe her racial and gender transformation credentials.

Asked by then MEC Barbara Creecy how she would see herself as an agent of change as a judge, she answered: "I believe I could contribute because in actually fighting apartheid I demonstrated that one can accomplish something against great odds and it was not easy.

"It was a difficult process for me ... I believe I know what hardship means. I know what it is to be in a disadvantaged position."

Jansen was also commended during the interview for "assisting Advocates for Transformation and chairing a Bar Council meeting at which a resolution was passed that half of the council would consist of black members".

But she also admitted at the time that she had "very little criminal experience" and that while she had an interest in it and had "read up" on it, she had never been given a criminal case brief. "I basically only did criminal appeals."

In her Facebook comments, reportedly made about a year ago and revealed by Gillian Schutte, Jansen said:

99% of criminal cases she hears involve black fathers/uncles/brothers raping children as young as five years old. "Is this part of your culture?"

"Want to read my files: rape, rape rape rape rape rape of minors by black family members. It is never ending."

She also said she had "raised two black orphans" and that she was not a racist.

Commenting on the transcript, Schutte said: "I think judges presiding over cases in South Africa, which is struggling with transformation, should undergo a psychometric implicit-bias test."

She said that no amount of statements about the contributions of Jansen and her family to transformation would change the "deep racism" that characterised her Facebook posts.

Jansen has gone to ground.

Yesterday the JSC said a formal complaint had been made by Vuyani Ngalwana, chairman of Advocates for Transformation, in Johannesburg.

Schutte said she would take her own steps. "My legal representative and I are pursuing the matter of our original complaint sent to the JSC last year."

The Black Lawyers' Association welcomed the JSC's move. Its president, Lutendo Sigogo, said: "We believe that Judge Jansen will take cognisance of the request by the JSC for her to take special leave and do the honourable thing: to resign

with immediate effect." - *Additional reporting by Aarti J Narsee*

Source: *The Times* via I-Net Bridge

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