



**OFFICE OF THE DEPUTY JUDGE PRESIDENT**

(HIGH COURT OF SOUTH AFRICA, GAUTENG LOCAL DIVISION)  
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**CIRCULAR**

TO : Judges of the Gauteng Local Division

DATE : 13 October 2021

RE : **VACCINATIONS AGAINST COVID-19**

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Dear Colleagues

1. As we contemplate our first (experimental) physical-contact-tea together in the Common Room this coming Friday, it seems appropriate to address the issue of us all being vaccinated. The assumption has been that all judges and the staff who work with us would be vaccinated and by now, that all of us are vaccinated. This assumption might not be correct.
2. I do not want to interrogate each member of the bench about whether or not they have been vaccinated. However, it seems incontestable that as Deputy Judge President I have a responsibility to ensure the health and safety of the entire bench and the support staff. Hence this letter.
3. There has been a growing public debate about how to approach the issue of persons who choose not to vaccinate. The state seems cagey about whether it has an appetite to make it mandatory. Moreover, sports organisations and some large employers and universities are adopting a no-vaccination-no-access policy. There has been, as yet, only a mild protest that this violates freedom of choice etc. Even ignoring the Trumpian undertones, in my view, this is the wrong

question. The proper question is whether or not an individual is sufficiently civic-minded to appreciate that a duty of care is owed to colleagues and others with whom contact is made to safeguard them from harm. If one wishes to be an active member of a community then the incontrovertible legitimate interest of the community must trump the preferences of the individual. The need to achieve herd-immunity in order to inhibit scope for the virus to mutate freely is a project aimed at resisting a clear and present danger to everyone. Herd immunity is the portal through which our society shall need to pass if we are to claw back a normal life as social beings. In my view, Judges as leaders and guardians of society ought to be seen to lead and to guard.

4. Some of our colleagues have been through Covid and some have long-covid complications and others are vulnerable owing to extraneous health issues. They need to be protected and all of us need to be confident that we are not exposed to an undisclosed risk.
5. I intend to put on the door of my chambers this sign: "IF YOU ARE NOT FULLY VACCINATED DO NOT ENTER".
6. The Judge President is approaching the Department of Health to put a pop-up vaccination unit at the doors of the Courthouse. The probabilities that a decision will be made that access to the Courthouse is restricted to the vaccinated is strong.
7. Accordingly, I request that anyone who has not been fully vaccinated yet or who chooses not to vaccinate, at the present time, to bear these considerations in mind and continue to isolate.

Regards,



**ROLAND SUTHERLAND**  
**DEPUTY JUDGE PRESIDENT**