



**MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA**

For Immediate Release

Media Statement

3 April 2020

Minister Lamola appoints Justice Kate O'Regan as COVID-19 Designated Judge

Minister of Justice and Correctional Services, Mr Ronald Lamola, has appointed Justice Catherine (Kate) O'Regan, as the COVID-19 Designate Judge.

The Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002, and as published on 2 April 2020 in Government Gazette No 43199, make provision for contact tracing and for a national database to enable the tracing of persons who are known or reasonably suspected to have come into contact with any person known or reasonably suspected to have contracted COVID-19.

Regulation 11H empowers the Minister of Justice and Correctional Services to designate a judge who has been discharged from active service under section 3(2) of the Judges' Remuneration and Conditions of Employment, 2001 or a retired High Court judge, as the COVID-19 Designated Judge.

The Regulations provide that the Director-General of Health may direct an electronic communications service provider to provide him or her with information regarding the location or movements of any person known, or reasonably suspected, to have contracted COVID-19 or any person known, or reasonably suspected, to have come into contact with such a person. The requested information would be for inclusion in the COVID-19 Tracing Database.

Whilst Government does all it can to implement measures to fight the spread of COVID-19, the Designated Judge has an important role to play to safeguard the privacy and personal information of persons during this process.

The Director-General of Health must file a weekly report with the COVID-19 Designated Judge setting out the names and details of all persons whose location or movements were so obtained. The COVID-19 Designated Judge may also make such recommendations to Cabinet members responsible for Cooperative Governance and Traditional Affairs, Health and Justice and Correctional Services as she deems fit, regarding the amendment or enforcement of this regulation in order to safeguard the right to privacy whilst ensuring the ability of the Department of Health to engage in urgent and effective contact tracing to address, prevent and combat the spread of COVID-19.

Justice O'Regan is a former Judge of the Constitutional Court of South Africa, having served for 15 years from 1994 to 2009. She acted as Deputy Chief Justice in the absence of Justice Moseneke during 2008. Since 2010, she served as an ad hoc judge of the Supreme Court of Namibia.

From 2008 to 2012 she served as Chairperson of the United Nations Internal Justice Council, a body established by the General Assembly to help ensure independence and accountability in the internal system of justice within the United Nations. Since 2011 she has served as President of the International Monetary Fund Administrative Tribunal and since 2012, as a member of the World Bank Sanctions Board.

She was also the Co-chairperson of the Commission of Inquiry into Inefficiencies in Policing in Khayelitsha. She is a Visiting Professor at the University of Oxford and an Honorary Professor at the University of Cape Town.

“Justice O'Regan is a highly respected former Judge of our Constitutional Court and is known for her unwavering commitment to human rights, social justice and the rule of law. I am grateful to Justice O'Regan for availing herself for this role so as to ensure that whilst we fight COVID-19, people's rights to privacy are not compromised,” said Minister Lamola.

Issued by the Ministry of Justice and Correctional Services

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