

26 February 2020
2020年2月26日

Update on the Hate Speech Case by the Chinese Community taken to the South African Equality Courts

就华人社团在南非平等法院仇恨案之更新

1. During 25 November 2019 until 5 December 2019, the parties continued with the presentation of their evidence, by the submission of Affidavits and the giving of oral evidence in support of their case or defence.
2019年11月25日至2019年12月5日期间, 双方继续通过提交誓章和口头证据支持其案及辩护之证据.
2. On 5 December 2019, the last day with the evidence having been completed, the parties closed their respective cases; an important milestone having been achieved in the conduct of the legal proceedings.
最后一天, 在2019年12月5日完成了提即证据下, 双方各别结束提案; 也在诉讼程序中取得重要的里程.
3. On the aforesaid closure on 5 December 2019 :-
在上述2019年12月5日闭案时:-
 - 3.1. preliminary dates (end January 2020 to mid-February 2020) for the submissions of the Heads of Argument were agreed to by the parties. These dates were subject to the parties receiving the Court transcriptions of the hearing, timeously.
双方同意提交主要争论点的初步日期为(2020年1月下旬至2020年2月中旬).
这日期取决于各方有及时收到法院听审的录音为准.
 - 3.2. further the Court indicated 19 February 2020 as a possible date for the hearing. However, it was subject to the availability of the Judge and the parties being able to complete the Heads of Argument on the said preliminary dates.

法院更指出, 听审的可能日期为 2020 年 2 月 19 日. 但也取决于适合法官的时间和双方在上述初步的日期完成争论点工作.

4. The final stage of the legal proceedings is for the parties to present their Heads of Argument. This is a summary of the evidence led during the hearing and also covering the relevant aspect of the Law pertaining to the hate speech case.
法律程序的最后阶段是由当事人双方提出其争论点. 这是听审会上提出证据并涵盖法律中就与仇恨言论案有关方面的摘要.
5. In order to be able to prepare and complete the Heads of Argument, the parties, require the transcripts of the proceedings. The parties finally received the transcripts from the Court's appointed transcribers, Inlexso end of January 2020. Please note that 1 hour of audio takes approximately 4 hours to transcribe, whilst the last session of the hearing constituted 9 days.
为了能够准备并完成争论点, 双方需要取得诉讼的记录. 最终于 2020 年 1 月底双方收到了法院所任命 Inlexso 笔录员之笔录. 需知的是每 1 小时的录音需要大约 4 小时才能完成转为字体状态, 而最后听审会的为期有 9 天之长.
6. We cannot accept the Inlexso transcripts as they are of poor quality and are not an accurate record of the proceedings. At our request, the Court has instructed Inlexso to release the audio to the parties and we are currently awaiting for same to be sent to us. On receipt of the audio we will compare same with the transcripts and request that Inlexso makes the necessary amendments thereto.
我们无法接受 Inlexso 的笔录质量, 因为它们的工作质量很差并且不是诉讼程序的准确记录. 应我们的要求, 法院已指示 Inlexso 将音频发布给当事人双方, 目前正等待 Inlexso 将音频发送给我们, 一旦收到音频后我们将会与笔录进行比较;并要求 Inlexso 对其必要的修改.
7. On receipt of the corrected transcripts from Inlexso, the parties will be able to fix new dates for the completion of the Heads of Argument and we will request the Court for the date of the hearing. On receipt thereof, the Chinese community will be informed of the new date to enable them to attend.


收到 Inlexso 的更正笔录后, 双方才能够确定新的日期完成争论点更要求法院指定新听审会日期. 一旦收到通知后, 我们将告知华人社团新的日期以便参加听审.

8. At the date of the hearing, the parties will present their final legal arguments based on the Heads of Argument. At the hearing, it will be important for the Court to see substantial numbers of the Chinese community present at Court.

在开庭日, 当事人各方将根据争论点陈述其案最终的法律论点. 在听审会上, 如有大量的华人社团出席法院对法院来说是非常重要的.

9. On the date of the hearing, the Court will probably reserve Judgment, as the Court will need time to review what was argued by the parties. Following the reservation of Judgment, the Court could take anything between 1 week to 9 months to give Judgment. (*the verdict/result*).

在开庭日, 法院有可能会保留判决, 因为法院将需要时间来审查各方的论点. 保留判决后, 法院可能需要 1 周至 9 个月的时间作出判决. (判决/结果)

*Issued by  NAM-FORD INC. acting for The Chinese Association (TCA), the complainant.

*由代表杜省中华公会 (TCA) 的胡丽珍律师事务所发布.