

## Exploring the Interplay Between the Right to a Fair Trial and Other Constitutional Rights in South African Criminal Proceedings

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### Abstract

The right to a fair trial is dependent on language power in courtrooms. In the same breadth, the protection of other constitutional rights is premised on the right to a fair trial. Unfortunately, a non-English-speaking accused person cannot use his or her language because English is the language of court record; hence it is possible to produce a trial which is unfair to the accused person. Recently, heads of South African courts have reinforced the historical predominant use of English by declaring it the only official language of record in all courts, inconsiderate of the fact that language is instrumental to a fair trial and other constitutional rights. This article therefore seeks to determine the interplay between the right to a fair trial which may be tainted by language, and other constitutional rights. The article stems from its argument that language does not only affect the right to a fair trial, but also other rights of the accused person that may be safeguarded if the trial is conducted in his or her language. In the process of determination of this interplay, this article also highlights some of the legally enforceable mechanisms that prompt the unfairness of a trial.

**Keywords:** criminal proceedings, right to a fair trial, language, other constitutional rights.

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Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

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