

Editorial:

- This issue opens with an *oratio* by one of South Africa's most senior judges, the Honourable LTC Harms who suggests that the South African criminal justice system should learn from the experience of international criminal courts regarding a merger of elements from accusatorial and inquisitorial systems.
- Shaun de Freitas and Georgia Myburgh of the University of the Free State argue that, if the protection of being human serves as the common denominator in the international discussion of human rights, and if human rights are deeply inclusive, however culturally and historically diverse, then failure to deliberate on the legal status and protection of the unborn may be seen as a failure to extend respect where it is due.
- Roger Evans of UNISA contends that modern society, socio-political developments and human rights requirements have necessitated a broadening of the classes of assets that should be excluded or exempted from insolvent estates.
- In a comprehensive paper Loammi Wolf (commentator from Bochum, Germany) makes a case against the "re-Westminstering of the constitutional state" as appears to her to be happening in the South African criminal justice system. The piece deals inter alia with the constitutional position of prosecutors, executive interference in prosecutions, pardon and parole.
- Parole in South Africa is also the theme of Jamil Mujuzi of the University of the Western Cape. He deals with parole as a privilege, the role of the executive and the legislature in the parole system, the period to be served before an offender is paroled, the stipulated non-parole period, and the courts' intervention in releasing prisoners on parole.
- In a case note Robert Williams of the University of KwaZulu-Natal describes the first judicial commentary on the distinction between a "decision" as defined in the South African *Promotion of Administrative Justice Act* 3 of 2000 which may be reviewed judicially and a non-reviewable inchoate decision

Francois Venter