

MEC VR SHONGWE SPEECH ON THE MEMORIAL SERVICE OF CHIEF PROSECUTOR DD NGOBENI HELD AT EHLANZENI DISTRICT MUNICIPALITY ON THE 04TH OF JULY 2013 IN NELSPRUIT.

The HOD : Department of Community Safety Security and Liaison, ST Sibuyi

The Provincial Commissioner, Lt. General T. Ntobela

Representative of the Legal and Judicial fraternity

The family and friends of Chief Magistrate Ngobeni

Ladies and Gentlemen,

I greet you all.

We are meeting today to pay tribute to one of the legal expert who served in the legal fraternity for 37 years.

We meet here today to mourn a great loss to the Province and the Country, of one of the legal minds who served his country and his people with pride.

We meet, ladies and gentlemen, to celebrate a life well lived. We gathered to send our heartfelt condolences to a father figure in the Criminal Justice System.

Chief Magistrate Ngobeni was an embodiment of the society we want to build and he demonstrated that in many ways. He was indeed a committed son of the soil and a true servant to the people. His judicial expertise and experience was beyond reproach.

Ladies and Gentlemen, we all know the challenges with regards to the administration of justice in the country and our province. On many quarters and sections of our rainbow nation country, questions around the transformation of the judiciary have been a permanent feature.

The debate about transformation in the Justice Sector was and continues to be a necessary debate because of the role of the judiciary and its institutional character under Apartheid which left a serious scar in the hearts and souls of many South African.

It is a well known fact that under apartheid, the South African judiciary was almost exclusively white and male dominated and that status core was in direct conflict with the values which the new Democratic Government espoused.

The new dispensation sort to build a non-racial, non-sexist, democratic South Africa and Chief Magistrate Ngobeni was amongst those who gave expression to the new values and principles espoused by the new government after the fall of apartheid in 1994.

Ladies and Gentlemen, it was the likes of Chief Magistrate Ngobeni who proved beyond reasonable doubt that the administration of justice was never a black and white matter and at no stage has the colour of one's skin determined the ability or lack of, to administer justice.

Ladies and Gentlemen, we continue to face a situation where our people's understanding of the administration of Justice still requires much of our attention.

In my engagements with the Provincial Commissioner Lt. General Thulani Ntobela, it emerged that the Chief Magistrate was a very hands on men who participated in the Prov-Joints during the preparation of the world cup in 2010 personally. He never delegated that important

responsibility and that is a confirmation of his commitment to his job, his country and its people.

He was never a man who would refuse to interact with the public and he was passionate about educating our people about how the laws of the country are working.

He was very supportive to our attempts to make people understand the role of the Police and our Courts in the application of justice.

One of the most popular charge in the administration of justice continues to be the whole question of arrests that Police make and Courts giving bails to suspects, which leads to a situation where communities interpret that as a justice failer.

The Chief Magistrate was a gentleman who was committed to ensuring that there was proper understanding of what needed to be done and how it should be done.

Where he was not happy about some actions of Police, he would personally call the Provincial Commissioner to raise his issues. He was a very direct and always enjoyed imparting knowledge to improve dispensing of justice to the people.

We have lost one of the most committed soldiers who wanted to clear the myth that the justice system is failing. He understood that some of the sentiments were informed by lack of understanding how the South African judicial systems work. His departure leaves behind an unfinished business and I must say that it will be very difficult to fill his shoes.

Chief Magistrate Ngobeni leaves behind the project of the establishment of a High Court in Mpumalanga nearing conclusion. We are calling on those left behind to conclude the process in his honour and memory.

Again in his memory, we must press on with our quest to transform the judiciary while respecting its independence and the separation of powers – principles that are themselves objectives of judicial transformation. He never used the Judicial Independence to frustrate other arms of government.

Chief Magistrate Ngobeni was one of those who saw themselves as part of the masses, accountable to them, and inspired by their hopes, dreams and value systems. He was a well experienced jurist and always strive for a true constitutional democracy with emphasis on the independence of its Courts.

As Government, we have and continue to support all actions which sort to do away with antagonism towards the judiciary and our courts because that will result in serious negative consequences for our democratic system as a whole.

As we pay our tribute to the late Chief Magistrate Ngobeni, I would like to take this opportunity to appeal to all young legal practitioners to learn from him and preserve his legacy by producing even more Chief Magistrates.

This is a tall order that I pass to all those who identify with his principles to honor him by keeping alive all that he lived for and achieved. The youth must learn from this giant in the field of justice and aspire to achieve more.

I am saying this because in South Africa, the legacy of apartheid is still felt and the transformation of the Judiciary continues to be a central concern. Ladies and gentlemen, we are not calling for transformation in order to compromise the judicial independence.

We need more jurists and the country's judiciary must reflect the demographics and the youth must never stop studying and prepare themselves academically and intellectually to take over where Chief Magistrate Ngobeni left.

The spear must never touch the ground, but we must for ever pass it on to competent and deserving individuals with the necessary legal understanding and interpretation.

In conclusion Ladies and Gentlemen, I want to send our heartfelt condolences go to the entire family, his colleagues in the Justice Cluster, and the entire nation for such a great loss. Chief Magistrate Ngobeni has served his country and his people well.

Minister Jeff Radebe summarised him well when he said in a statement:

“The justice family and the people of South Africa have been robbed of a fearless, dedicated, and disciplined servant of the people who, for 37 years of his career, dispensed justice to ordinary citizens as a magistrate”.

May his soul rest in peace.

I thank you.