



Message at the funeral service of the Late Mr David D Ngobeni, Chief Magistrate of Nelspruit

Mogoeng Mogoeng, Chief Justice of the Republic of South Africa 6 July 2013

Honourable Premier of Mpumalanga Province, Mr David Mabuza Chairperson of the Magistrates Commission, the Honourable Justice Francis Legodi, Regional Court Presidents and Chief Magistrates present here today Officials from the Department of Justice and Constitutional Development Members of the Legal Fraternity and the broader Justice Family, The Ngobeni Family, Ladies and Gentlemen Good Morning.

Please allow me to convey the Chief Justice's sincerest condolences to Mrs Ngobeni and the entire family during this difficult time. The Chief Justice would have wished to be here in person today but unfortunately he is currently travelling abroad on a pre-scheduled official business this evening. In this regard, he has asked me to deliver on his behalf, a tribute to our dearly departed brother "DD" as he was affectionately known in the magistracy. And it is as follows:

My dear brothers and Sisters, today we pay tribute to a giant of a leader whose contribution to the Justice system in this country has been so eloquently expressed over the past few days since news of his untimely passing became known. Indeed, death has robbed us of a dedicated and hard working servant of the people whose commitment to the dispensing of justice we would do well to emulate.

DD's passing comes at a time in our country when now, more than ever



before, we require men and women of great integrity who would help us carry on and strengthen the legacy of great luminaries such as, as our former President Nelson Mandela who; throughout his life stood and tirelessly fought for justice while sacrificing his own well-being and that of his family to ensure that we build a country founded on a solid Constitutional foundation wherein as Judicial Officers we are able to dispense justice without fear, favour or prejudice.

DD's passing also comes at a time when as the Judiciary in South Africa we continue to grapple with a variety of matters that are aimed at ensuring that we deliver good quality justice to our people – especially those that are in far-flung rural areas. I know for a fact that he was a gallant fighter for justice and he still had an immense contribution to make in this regard. We applaud DD's indomitable spirit and contribution to ensuring that our people have access to justice through his service to our Judicial system which spanned almost 40 years.

Allow me to take this opportunity on the occasion of DD's passing to also pay tribute to the Magistracy – an institution that is the coalface of the criminal justice in this country. It is also an institution that he served with great distinction up until the time when he became ill and ultimately succumbed to his untimely death.

The immense contribution that the Magistracy makes in our country is something to be forever cherished and celebrated for and it is phenomenon that we do not take lightly. For; we can never win the battle against crime without a strong, resolute and firm Magistracy.

It is worth noting at this point that DD began his career in the Judicial system in the mid 70s which was an immensely difficult period in our



lives when our people began to challenge the systematic subjugation of a majority black people by a white minority grouping.

This was a time when racial discrimination was at its peak – when black and white colleagues could not use the same door to access a court room; when black and white court staff members and counsel had tea and lunch in different and separate eating areas; when black Judicial officers reported to white superiors who saw them as no more than mere auxiliary service personnel.

Despite all those challenges; DD rose above it all and became part of a collective of Judicial Officers who soldiered on and endured the systematic racial abuse which was ultimately replaced when a new democratic order was ushered in in 1994. Indeed, DD and his peers need to be celebrated for an indomitable spirit that continues to provide a solid ground for us to build on. Through his enduring spirit, he rose through the ranks to become one of the most senior ranking officials within the Magistracy in our country.

He had immense leadership capabilities and his wisdom will be sorely missed as we continue to chart the path for a Justice system which is accessible to all our people... Colleagues in the Justice family and in the Magistracy, we would do well to continue with these efforts – if only as a tribute to the work that DD has already done in this regard.

As part of celebrating DD's life and his immense contribution to our Judicial system, we need to accelerate our efforts to ensure that that we put in place speedy corrective and effective measures, especially in those areas in which our efforts are found wanting.



In conclusion, I wish to appeal to all Judicial Officers and the extended Justice Family present here today for us to continue to ensure that our Judiciary is the best that South Africa deserves. We have it in us to do it. We have the institutional capacity and know-how that ought to propel us to move forward in this regard and I have no doubt that it is a challenge that we will embrace wholeheartedly, if only to make good on the rock-solid foundation that has been laid by DD.

To the Ngobeni Family; Mama and the children, thank you for sharing DD with the rest of the country and thank you for all the support you gave him during the last 37 years of his gallant service to our nation. You must take comfort in knowing that he ran a good race, he tried his best and now he has been called back to his Maker – where his spirit will forever abide.

Once again, Mama, the Children, Grandchildren and the family at large; be strong. *Etlela hikhurhula Mlambya!*

May God give you strength and May He continue to comfort you.
Thank you.