

PRESS STATEMENT

Issued on behalf of the Cape Law Society and the Cape Bar Council

On Friday, 22 January 2016, on the day that marked the occasion of the Day of the Endangered Lawyers in The Hague, Netherlands, South Africa saw one of its own lawyers, Nico Du Plessis attacked by a mob of angry community members outside the Nkomazi Magistrates Court in Tonga, Mpumalanga. He was attacked because he represented two men accused of kidnapping a three-year old girl, Lutricia Nkentjane on 29 November 2015.

The Cape Law Society and Cape Bar Council notes this attack with dismay and profound unease. We would like to express our condemnation of the attack and more generally with violence or threats of violence, particularly against lawyers (both attorneys and advocates) representing their clients.

Apart from the physical and emotional damage wrought by attacks of this nature, they also undermine the rule of law, compromise access to justice and cause damage to the work of legal advocacy in South Africa. A fundamental tradition of the legal profession, which enhances access to justice, is that lawyers must represent their clients, even those charged with serious crimes, without fear of being maligned or being physically attacked for doing so. The ability of members of the legal profession to discharge their duties without fearing for their personal safety is paramount. It is only in those circumstances that the goal of universal access to justice can be achieved.

Our concerns for the dignity and safety and security of the legal fraternity extend to judges and magistrates who are required by law to exercise their duties without fear, favour or prejudice.

We accordingly call upon the government, in partnership with business, civil society and members of the legal profession, to publicly denounce the attack on Nico Du Plessis, as well as any form of violence or threat of violence and intimidation against members of the judiciary and legal practitioners. We call upon the authorities to urgently investigate the attack and bring the perpetrators to justice. Finally, we urge all stakeholders, especially the government, to continue to educate the public about the importance of an independent legal system to our constitutional democracy in a manner, which appropriately emphasizes the need to respect and preserve the integrity and personal safety of members of the judiciary and the legal profession.

Ashraf Mahomed
President of the Cape Law Society

John Butler SC
Chairperson of the Cape Bar Council

25 January 2016