



**Ministry Justice and Correctional Services
Republic of South Africa**

**Keynote Address by Minister Ronald Lamola (MP) at the National Association of
Democratic Lawyers Memorial Service of the Late Honourable Justice Patrick
Ndumiso Jaji**

Mr Mvuzo Notyesi President of Nadel

The Leadership Collective of Nadel

Nomaswazi Shabangu-Mndawe (South African Women Lawyer Association)

Adv. Muzi Sikhakhane SC (Pan African Bar Association)

Denise Lenyai Mabeng (Law Society of South Africa)

Mr. D Thulare (Magistracy)

Honourable Judge President Mbenenge

Colleagues in the Legal Profession

Ladies and Gentlemen

A giant in the legal fraternity has fallen. Justice Patrick Jaji was a torch bearer in many ways through-out his life.

In him, we saw a leader who consistently advocated for those who would have been consciously or unconsciously side-lined by a system which was designed to exclude Africans, black in particular.

In him we saw a leader who redefined almost everything he touched. As a firm advocate of the Freedom Charter, he at times referred to its text to chastise those who sought to project a narrow anti-African agenda. In his own words, he said the perception that foreigners take jobs reserved for locals is misplaced and anti-African.

He said: 'This perception is fuelled by those who demonstrate hatred for foreigners of African descent. In any event, the Freedom Charter stipulates that the country belongs to all who live in it. The Constitution too, entrenches protections for all in South Africa.'

Through-out his short but extremely impactful life, Justice Jaji embraced the principle of reconstructing South Africa so that it can truly embody the ethos of the Freedom Charter which finds expression in a society which is non-racist, non-sexist and prosperous.

There is no doubt in my mind that we have not only lost a judge, but we have lost an activist. He cut his social justice activism teeth at a young age. He belonged to a generation that confronted apartheid's brutality determined to shape a just and democratic South Africa. A South Africa which will open opportunities for all its citizens more in particular his generation, which was deprived opportunities to prosper and excel in their country of birth.

Political activism defined him and his generation, they acquired education in circumstances that were to a larger extent not conducive for black learners and students. He forced his way to the legal profession even though the system was designed in a way that sought to exclude black people.

In the fight against apartheid, he chose a side which was not fashionable. In his youth, the Congress of South Africa Students and the South African National Student Congress benefitted greatly from his aspirations for a free and fair South Africa. He was prominent in students activities in the then University of Durban Westville in the 80s and he became a founding member of the South African Student Congress. SASCO then mobilized students and cemented the role of students in the national political struggle in South Africa. SASCO stands today on the strength and vigour of his intellectual prowess.

Like many great legal activists, his work and presence in our communities was not confined to court applications and court processes. He gave the law an extended application, and understood the intersection between politics and the law.

His commitment to justice and a transformed South African can be seen in a judgment he wrote in the matter of Seoe and others v Deputy Director of Public Prosecutions. His judgement made this observation:

“Corruption has been a cancer to the body of South Africa since time immemorial” and that on “a daily basis, the state from different departments, provinces and municipalities is strenuously faced to contend with these types of matters. These involve officials and other closely connected individuals. Whistle-blowers and upright officials have not escaped the wrath of those involved in these activities. Clearly, the public interest is that those involved should be prosecuted and these matters be disposed of in open courts.”

In our immediate context we have noted allegations of corruption which relate to the Covid-19 pandemic. Through the Special Investigation Unit we will issue a proclamation widen the current investigations which are taking place in Gauteng. We have every intention to ensure that those amongst us who abandon their consciences are held to account.

In his memory and many other legal activists who believed that our constitution is a transformative document and should be interpreted as such, we shall honour his call for honesty and interpret section 174 (2) which dictates that ***“the need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial officers are appointed”***

In line with this section, the Department of Justice and Constitutional Development has finalised a guideline for the appointment of acting judges which seeks to deliberately entrench this principle in the appointment process of acting judges. Our consultations with the heads of courts and the legal profession are ongoing.

This we do to give effect to the open and democratic society that Justice Jaji understood so well and advocated for. Through-out his career, his commitment to the rule of law and a democratic society more than personal enrichment is what set him apart in society. So much so that he was an individual who deemed beyond reproach and worthy of serving on the bench.

We also welcome the consultative document issued by the legal practice council which seeks to set an objective criteria for silk status. This is a critical step that opens up certain practices within the profession to transparency and broader reforms.

As we march on to build an open and democratic society, we will draw from the jurisprudence laid down by Justice Jaji, we will entrench a culture of transformation. As we reflect on the architects of a post-apartheid South Africa, we will with great pride mention the name of Justice Jaji amongst the many great names which resonate with an open and democratic society.

We thank the family of Justice Jaji for sharing this formidable human being with us, we are internally grateful to them. To the family, we say rest assured that the legacy of Justice Jaji is immortal. The outpouring grief from the judiciary and legal profession following his untimely passing is a great testimony of the noble character of Justice Jaji. On behalf of the South African government, I express my sincere condolences to the Jaji Family.

Justice Jaji will forever be remembered as an outstanding judge whose record is without blemish. He belonged to a cohort of justices who distinguished themselves on the bench through their exemplary conduct.

May his soul rest in peace.