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MEDIA RELEASE

LEGAL AID SA REITERATES ITS MANDATE AND THE RIGHTS OF ACCUSED PERSONS

Gender-based violence has been at the top of national news agendas for the past few weeks, resulting in calls for the accused and convicted to face the harshest possible sentences. With such conversations comes the regrettable accusation levelled against Legal Aid South Africa (Legal Aid SA) for representing persons accused of such crimes. Last week, Senior Legal Practitioner from Legal Aid SA, Herman Alberts, who represented the Dros rapist Nicholas Ninow, was told that he must be drunk to represent someone accused of such a crime.

Such cases evoke highly emotive discussion and exclamations that justice does not serve the victims and the abused. To many, the law may appear sympathetic to and even protect the perpetrator when they are provided with legal representation at state expense. It is however very important for everyone to know that Section 35 of our Constitution states that every accused person has a right to a fair trial, which includes being provided with legal representation at state expense should substantial injustice otherwise result. In spite of this, one of the most persistent accusations levelled against Legal Aid SA is that its role is simply to protect criminals. This is a dangerous misconception, and greatly diminishes the significant role the country's Bill of Rights and the various institutions that give effect to the Constitution play in ensuring that all people in our country have equal rights.

Legal Aid SA's fundamental role is to ensure access to justice as enshrined in the Constitution. This is founded on section 9 of the Bill of Rights, detailing the right to equality, and that everyone is equal before the law and has the right to equal protection and benefit of the law. Legal Aid SA ensures that individuals are able to realise their constitutional rights by providing them with legal representation when they cannot afford it. Providing an accused person with legal representation ensures that the trial to consider the guilt or innocence of the accused is indeed fair. Therefore, the decision of the court adjudicating the matter will be seen to be more credible as the accused was given an equal opportunity to state their version before the court. Adherence to the principles of a fair trial is fundamental to the rule of law, which is a cornerstone of our democracy.

All Legal Aid SA lawyers are committed to ensuring that they represent their clients to the best of their ability and provide them with the best defence possible. The work the entity does daily is necessary. Legal Aid SA urges the public to refrain from subjecting our lawyers to abuse, simply for doing their job. Ultimately, it is only the court that can pronounce on the outcome of a criminal legal matter and pass judgment and sentence. Despite one's personal views and public perception it is in the best interest of law and order for a matter to be ventilated in courts and for the courts to pass the appropriate judgment. In a democratic system such as ours, governed by the rule of law and a Constitution, this is the only process to serve equitable justice.

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Visit our website at www.legal-aid.co.za or call the Legal Aid Advice Line on 0800 110 110 or send a Please Call Me to 079 835 7179

Please be reminded that the name of our organisation **Legal Aid South Africa** is correctly abbreviated as **Legal Aid SA** and not as LASA. We respectfully request that you use the correct abbreviation **Legal Aid SA** which is representative of our mission to deliver quality **legal aid** services to the poor and vulnerable in South Africa.