



5 July 2023

## **MEDIA RELEASE**

### **LEGAL AID SA CALLS ON THE PUBLIC TO DESIST FROM INTIMIDATING LAWYERS AT COURTS**

South Africa's justice system considers all accused persons innocent until proven guilty. Yet, for many, the idea of justice being extended to all seems unpalatable in light of the country's high crime rate. The recent attempt by a community mob to assault a Legal Aid South Africa (Legal Aid SA) legal practitioner in the Zebediela Periodical Court highlights this challenge. Members of the community could not understand how he could represent an accused who is facing charges of murder and rape.

The rule of law remains an essential pillar of South Africa's democracy and access to justice by everyone is a fundamental human right. Without it, one cannot have a fair trial as this would undermine the criminal justice system and further erode respect for the rule of law. "Legal Aid SA condemns bullying, intimidation and threats levelled against its legal practitioners at all levels. We must remember that not all accused persons are the actual perpetrators of the crime for which they have been charged. We know this from actual experience," says Limpopo/Mpumalanga Provincial Executive, Ms Mpho Kgabi.

Ms Kgabi notes that court matters are sometimes postponed and delayed due to vigilantism, ultimately slowing down the wheels of justice. "We cannot condone and accept vigilante actions. We are grateful to court interpreters who acted swiftly to intervene and shield our legal practitioner in Lebowakgomo," she says. The matter was recalled and postponed and will be heard at the Lebowakgomo Magistrate's Court where law enforcement will enhance security.

Legal Aid SA would like to remind the public of its constitutional mandate to provide legal representation to those who cannot afford it. Section 35(3)(b) of the Constitution provides that every accused person has a right to a fair trial, which includes the right to have adequate time and facilities to prepare a defence. This confirms that an accused person should not be subjected to an unduly hasty trial and is entitled to State assistance to prepare their defence. As this right includes access to legal representation, it would be untenable for lawyers to feel that taking on certain cases might endanger them and their families, due to them simply doing their jobs. We must ensure that we separate our distaste for the crime from those involved in the process.

A well-functioning justice system promotes a culture of human rights as it protects the rights of victims, witnesses and the accused in the criminal justice process. Access to representation ensures that justice can be served. The process of a fair trial is there to protect the innocent and communities should ask themselves the question: *What if it was my child who was accused and they told me that they are innocent?* Would you not want them to have a fair trial in which they could prove their innocence?

Members of the public are strongly advised to desist from assaulting, intimidating, bullying and threatening Legal Aid SA attorneys. Legal practitioners must be allowed to carry out and fulfil their constitutional mandate and should always be allowed to be in court to ensure that justice prevails as per the legal provision that each person accused of an offence is presumed innocent until proven guilty in a court of law. Individuals are reminded that both acts and threats of assault, as well as bullying and intimidation can result in you facing criminal charges for such actions.

-Ends-

**Issued by the Communication Department of Legal Aid South Africa.**

**For more information and/or interview opportunities, please contact Legal Aid South Africa Acting Communication Executive and National Spokesperson Ms Janeske Botes on 011 877 2153/073 239 9333 or the Media and Marketing Manager Mr Godfrey Matsobe on 011 877 2382/081 018 1395 or email [GodfreyM1@legal-aid.co.za](mailto:GodfreyM1@legal-aid.co.za)**

**Visit our website at [www.legal-aid.co.za](http://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.**