



LAW SOCIETY
OF SOUTH AFRICA

**Truth and Justice Award
conferred on Public Protector, Advocate Thuli Madonsela, Pretoria, 7 September 2016**

ADDRESS BY MVUZO NOTYESI, CO-CHAIRPERSON

PROGRAMME DIRECTOR

THE HONOURABLE DEPUTY JUDGE PRESIDENT LEDWABA

ADVOCATE THULI MADONSELA

COLLEAGUES, ESTEEMED AND DISTINGUISHED GUESTS

I am pleased to stand here on behalf of the attorneys' profession and make some reflections as we honour our Public Protector, Advocate Thuli Madonsela. I would have done injustice if, as I present, I do not refer to the statements made by the authors Herbstein and Van Winsen in their book titled *The Civil Practice of the Supreme Court of South Africa*. "What is the nature of this honourable profession to which we all, Bench, Bar and Side-Bar alike, belong?"

Perhaps its nature has already been revealed by the words "*Honourable profession*". First and foremost, it is a profession not a trade or business. Advocate Thuli Madonsela, being a member of this profession, has kept herself alive to the highest principle of honour which distinguishes our profession as an honourable one. She rejected any temptations of succumbing to issues of immediate expediency. Advocate Madonsela: you performed under extreme pressure, unwarranted attacks, criticisms and personal attacks. I remember when you were accused of being an agent and a spy, simply because you were very firm in the performance of your duties.

We have all been witnesses that you endured untold hardship because of the principles that you continued to uphold.

Your strong commitment to the fight against corruption cannot be doubted or questioned. You gave life to the Office of the Public Protector and you made us all think constantly that the beneficiary must always be Gogo Dlamini.

What is clear is that you were prepared to fight the cancer of corruption, even if it meant the heavens should fall.

We are indeed proud of you.

The Supreme Court of Appeal Justices, upholding the judgment by Justice Squires made the following statement: *“The seriousness of the offence of corruption cannot be overemphasized. It offends against the Rule of Law and the Principles of good governance. It lowers the moral tone of a nation and negatively affects development and the promotion of human rights. As a country, we have travelled a long and tortuous road to achieve democracy. Corruption threatens our constitutional order. We must make every effort to make sure that corruption with its putrefying effects is halted. Justice Squires had described corruption in these words “it is plainly a pervasive and insidious evil, and the interests of a democratic people and their Government require at least its rigorous suppression, even if total eradication is something of a dream. It is thus not an exaggeration to say that corruption eats away at the very fabric of our society and is the scourge of modern democracies.”*

And who can forget the vivid words of Chief Justice Mogoeng Mogoeng on 31 March this year:

‘One of the crucial elements of our constitutional vision is to make a decisive break from the unchecked abuse of State power and resources that was virtually institutionalised during the apartheid era. To achieve this goal, we adopted accountability, the rule of law and the supremacy of the Constitution as values of our constitutional democracy. For this reason, public office-bearers ignore their constitutional obligations at their peril. This is so because constitutionalism, accountability and the rule of law constitute the sharp and mighty sword that stands ready to chop the ugly head of impunity off its stiffened neck.’

It was easy to visualise you, protected by the shield and armed with the sword of constitutionalism, accountability and the rule of law, standing ready to chop the ugly head of impunity off its neck. That is what you did – figuratively speaking.

The position that you have maintained as Public Protector, indeed affirmed our Constitutional principles and values.

I remember when there were arguments about the binding nature of the public protector’s remedial actions and recommendations. You were almost the sole voice standing your ground that the remedial actions of the Public Protector were binding. On this you were vindicated by the Constitutional Court and the SCA.

Indeed, you bravely fought for this principle.

We as the South African people shall remain for ever indebted to you.

We are convinced that you will continue to serve Gogo Dlamini in other capacities.

Personally, I cannot wait to see you among the candidates for judicial appointment.

Similarly, I cannot dismiss any suggestion that you will soon be highly sought after by international anti-corruption watch bodies.

Indeed, you are a true revolutionary, who understands the principles of our struggle, namely, selflessness, integrity, honesty and the rejection of self-importance. You knew, as former President Mbeki would put it, that you and your views, were only important insofar as they resonate with the masses of our people to whom we are all accountable.

The Law Society of South Africa acknowledges the role that you have performed in support of our democracy and in upholding of the principles of the rule of law. You indeed exhibited the character that is expected of a lawyer in South Africa.

You have distinguished yourself and you now correctly join the ranks of the heroes and heroines of our revolution. Never mind those who accuse you of being a spy or an agent. Obviously, as South Africans, we knew that such allegations were sour grapes intended to divert attention from the real pressing matters which demand the attention of responsible South Africans. We have no doubt in our minds that because of the character which you have exhibited, and the well-mannered way in which you have acquitted yourself, you have made enemies of corrupt officials and powerful individuals. We can assure you that such is the consequence of being a caring and responsible official in the State.

The Office of the Public Protector is now truly a highly regarded office in this country. We all agree. During your term, corrupt officials and individuals found no place to hide.

The Law Society of South Africa shall forever be indebted to you Advocate Thuli Madonsela. You have made us so proud. There are no words to express our appreciation. Please accept our inaugural Truth and Justice Award from a grateful attorneys' profession.