

**PROF MS MAKHANYA, UMPHATSINYUVESI NELISEKELASHANSELA
WENYUVESI YASE NINGIZIMU AFRIKA
INKHULUMO YEKWEMUKELA NEKWETFULA LISEKELA LEMPHATSI
WEMAJAJI LESIKHATSI LESENDLULILE, DIKGANG MOSENEKE
KWETFULWA KWENCWADZI I-ALL RISE: A JUDICIAL MEMOIR
11 LWETI 2020**

Ngiyabonga, Mphatsiluhlelo Phrof. Olaotse John Kole, Lisekela Lemphatsi Lomkhulu: Likolishi Letemtsetfo, LeNyuvesi YaseNingizimu Afrika

- Jaji Dikgang Moseneke, Lisekela Lemphatsi Wemajaji Lesikhatsi Lesendlulile laseRiphabhliki YaseNingizimu Afrika
- Mnu. Nathi Mthethwa, Indvuna Yetemidlalo, Tebuciko Nemasiko
- Phrof Wiseman Nkuhlu, Ishansela yaseNyuvesi YaseNingizimu Afrika
- Bahlonishwa, Mancusa naBokhomishina Labaphakeme labamelele emave lahlukahlukene eNingizimu Afrika
- Phrof Veronica McKay, Libambela leMphatsinyuvesi: Tekufundzisa, Tekufundza, Tekuchumana neMmango neTekwesekelwa kweTitjudeni
- Phrof. Vinesh Basdeo, Umphatsi Lomkhulu: Likolishi Letemtsetfo

- Emalunga eSigungu sase-Unisa Lesiphetse neBaphatsi Labangetiwe labakhona lapha
- Bameleli bemikhakha yetemtsetfo leyehlukahlukene labakanye natsi lamuhla
- Bameleli labavela kuletinye tikhungo letingemagatja etfu tetemfundvo lephakeme kanye netinhlanga telucwaningo.
- Emalunga etemabhizinisi
- Bameleli bemitimba yebafundzi leyehlukene labakhona lapha
- Tivakashi letimenyiwe
- Nine bekunene

Lishonile kini nonkhe.

Kuyintfokoto lenkhulu lekhethsekile kimi, kuphindza futsi, ngemukele ngiphindze nginetfulele Jaji Dikgang Moseneke, Lisekela Lemphatsi Wemajaji Lesikhatsi Lesendlulile laseNingizimu Afrika, nonkhe lenimatiko kutsi, ngulumonye logcame kakhulu lowafundza lapha e-Unisa.

Linyenti lenu lekungenta kutsi anikukhumbuli kutsi nga-2008, Jaji Moseneke waba sikhulumi lesetfula inkhulumo yelusuku ekuhlanganeni kwetfu kwekuvulwa umnyaka wekufundza lapho khona wakhuluma

kahle kakhulu ngalenyuvesi, Inyuvesi YaseNingizimu Afrika, *inyuvesi yakhe lake wafundza kuyo*, kanye nendzima lebalulekile leyayidlala emphilweni yakhe. Loku kwaba yindlela yekukhombisa indzima lebalulekile yetemfundvo, knaye nemanyuvesi, kutentfuntfuko nenchubekelembili yemmango.

Kuleso sikhashana, Jaji Moseneke akabambanga-nje kuphela tetsamelilwati ngesitfutsi nesizotsa nekuhlakanipha kwakhe, kepha wabhindze wasita wonkhe wonkhe kuvisisa kubaluleka nendzima lebalulekile leyadlalwa ngulenyuvesi ngetikhatsi letimatima telubandlululo, nanoma kunjalo wenta kutsi kunakwe kutsi nanoma-nje yaphumela ekuniketeni imfundvo, beyingeke iphumelele kuchuba imikhosi yekuphotfula lehlanganiwe. Yehlukene ngekwwebuhlanga. Umphumela waloko, bantfu labamnyama baseNingizimu Afrika bakhetsa kungaphotfuli ngaphasi kwaletimo, futsi bonkhe labebasemajele nabo abatange baphotfule. Inyuvesi lensha yaseNingizimu Afrika ekuhambeni wesikhatsi yenta imikhosi yekuphotfula lekhethsekile ePitoli naseKapa, kwetama kulungisa loko lebekungesibo bulungiswa lebekwentiwa esikhatsini lesendlulile. Loku kukhombisa kukhululeka kwengcondvo yakhe. Jaji Moseneke akate asente umusa wekuvuna luhlangotsi, noma avanishe (avale) liciniso. Umsebenti wakhe uwente ngalesikukhulu

sizotsa futsi-ke ngekwenta njalo utfole kuhlonipheka lokungukona kona nekutsandvwa labambalwa labangeke batishaye sifuba ngako.

Kukhululeka kwengcondvo yaJaji Moseneke bekuhlala njalo kwemukelwa kahle futsi ngempela, kungenteka kutsi kube netindleko ngetikhatsi. Kepha umuntfu angasola kutsi – njengobe kunjalo kubantfu labanesitfunti nesizotsa lesingusona sona, labangafuni kwehlukana nesipiliyoni nelikhono – labekahlala njalo akulungele, futsi afuna nekwemukela, imiphumela lenjalo. Nembala, singakhombisa buntfu nekubonga kwetfu lesisesenako mayelana nelive lakitsi, bomake nabobabe labanemtsetfo labangesabi kuvakalisa luvo lwabo baphindze futsi bahlanganyele kutinkhulumomphikiswano, kungakhatsaleki kutsi letindzaba leti tingavusa imphikiswano kangakanani. Sekukhulunywe kakhulu ngesidzingo senkhulumomphikiswano yesive yetengcondvo lehlatiyako kanye nekukhulumisana. Nembala, ngiyo kanye lenkhambo lesihlose kuyijulisa lapha e-Unisa. Jaji Moseneke, Mnumzane, ube sibonelo lesihle mayelana naloku.

Lokwaphindze futsi kwagcama kulenkhumo, nine bekunene, kwaba kutsi Jaji Moseneke akakholelwa-nje kuphela ngemandla ekutsini kusebenta kamatima kanye nemfundvo kungemathulusi labalulekile emphilweni lenemphumelelo naleklomelisako; uphindze futsi

alikhombise ngetento lelo gama. Unembono wekutsi kusebenta ngekutikhandla kanye nemboni kuyadzingeka ekulandzeleleni tebulungiswa betenhlalo kuwo onkhe emazinga. Loku-ke, ngiyakholwa, sifundvo linyenti lelingenta kahle kakhulu kutsi lisifundze ngesikhatsi lapho khona kulabanye kwetsembeka nesitfunti ekwenteni umsebenti webungcweti kubonakala sengatsi kuyintfo lefunwa kamatima kunemiphumela yekwemvelo yenkhambo lefanele, kusebenta ngekutikhandla.

Kepha yacala nini lenchubo yekubumba?

Jaji Dikgang Moseneke watalwa ngeNgongoni nga-1947 kuLidolobhakati laseTshwane, lekungulapho afundza khona sikolwa semabanga laphasi nesemabanga laphakeme. Kwatsi nakaneminyaka le-15 budzala, ngesikhatsi asebangeni lesiphohlango, Moseneke waboshwa, wavalelwa waphindze futsi wahlala licala lekuhlanganyela emsebentini wekulwa nelubandlululo. Wavalelwa ejele iminyaka le-10, layihlala e-Robben Island. Moseneke wafundza watfola matikuletjeni wakhe kanye neticu te-BA eSingisini nakuSayensi Yetepolitiki knaye nedigri i-B Juris. Ekuhambeni kwesikhatsi waphotfula ticu takhe te-LLB. Tonkhe leticu watinikwa yiNyuvesi yaseNingizimu Afrika.

Moseneke wacala kusebenta umsebenti wakhe webungcweti njengamabhalane wemmeli eKlagbruns Inc ePitoli nga-1976. Nga-1978 wemukelwa waphindze wasebenta iminyaka lesihlanu njengemmeli kanye nemlingani efemini yetemtsetfo iMaluleke, Seriti naMoseneke. Nga-1983 wabitwa wangena ku-Bar futsi wasebenta njenga-advokhethi eJozi nasePitoli. Ngemuva kweminyaka lelishumi, nga-1993, wakhushulwa waba ngummeli lomkhulu. Ngaleso sikhatsi bekasebenta ekomidini letebucwepheshe lebelenta luhlaka lweMtsetfosisekelo Wesikhashana wanga-1993. Nga-1994 wakhetfwa wentiwa nguSekelasihlalo weKhomishini Yelukhetfo Letimele, leyenta lukhetfwa lwekucala-ngca lwentsandvo yelinyenti eNingizimu Afrika.

NgeNyoni nga-1994, ngesikhatsi asebenta kuba ngumeluleki, Moseneke wemukela sikhundla sekuba libambela kuLuphiko Lwenkantolo Lephakeme eNtalasifane. Ngembi kwekukhetfwa njengeLijaji leNkantolo yeMtsetfosisekelo, ngeLweti 2001, Moseneke wakhetfwa waba Lijaji leNkantolo Lephakeme yasePitoli. Mhla tinge-29 Lweti 2002 wakhetfwa waba Lijaji eNkantolo yeMtsetfosisekelo futsi kwatsi ngeNhlaba 2005, Moseneke wakhetfwa waba Lisekela Lelijaji Lelikhulu laseNingizimu Afrika.

Moseneke ulilunga lelasungula Inhlango Yebameli Labamnyama kanye neNhlango Yavelonkhe Yebameli YaseNingizimu Afrika.

Nga-1986 Moseneke wakhethwa waba ngumlingani lovakashile kanye nemfundzisi wasenyuvesi eSikolweni Setemtsetfo SaseColumbia, eNyuvesi yaseColumbia, eNew York. UyiShansela yekucala yaseTechnikon yasePitoli futsi uphindze wasebenta njengeShansela yeNyuvesi yaseWitwatersrand. Kuleminyaka leyendlulile lenge-20, Moseneke ufundze emaphepha lamanyenti kabi kutinkhomfa tetemtsetfo netebhizinisi futsi ushicilele emaphepha lamanyenti kumajenali etemtsetfo lapha ekhaya nakulamanye emave. Uneticu tebudokotela tekuhlonishwa letinyenti futsi utfole nemiklomelo leminyenti yekuhlonishwa, yekusebenta, nekusebenta lokusezingeni leliphakeme kakhulu.

Moseneke ushade Make Khabo Moseneke futsi banendvodzakati yinye nemadvodzana lamabili.

Jaji Moseneke, siyativa sihlonipheke kakhulu ngekutsi singenise lokwetfulwa kwaloko lesevele kudvunywisa “ngeluhlangotsi lolubanti lwetindzaba tetemtsetfosisekelo wamanje”. Ngekulandzela incwadzi yekucala leyatfola ludvumo ngalokulinganako lenesihloko lesitsi-*My Own*

Liberator (Umkhululi Wami), levolumu yesibili ifaka ligalelo lelipholile kepha lelinemandla etintfweni letinyenti lesishukashukana nato singummango, ikakhulu simo setekungamela kulelive lakitsi katsi futsi ngekwelula simo lesihle semklamo wentsandvo yetfu yelinyenti. Ecinisweni, Jaji Moseneke, lencwadzi itfole ludvumo lolukhulu, umuntfu angacolelwa mayelana nekucabanga kutsi ushiye eceleni luhwebo lwakho!

Jaji Moseneke, sitiva sihlonipheke kakhulu ngekungenisa lokwetfulwa, lokutsi ngesilinganiso lesincane kuphindza kuhlonishwa losiletsele kona siyinyuvesi.

Wemukelekile kakhulu, Mnu. Silangatelela tonkhe tinchubo letilandzelako.

Ngiyabonga.