

# annual report

Legal Resources Centre and Legal Resources Trust  
*for the period 1 April 2002 to 31 March 2003*

## LRC

LEGAL RESOURCES CENTRE

SINCE 1979



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## Mission Statement

The Legal Resources Centre (LRC) is an independent, client-based, non-profit public interest law centre, which uses law as an instrument of justice. It works for the development of a fully democratic society, based on the principle of substantive equality, by providing legal services for the vulnerable and marginalised, including the poor, homeless, and landless people and communities of South Africa who suffer discrimination by reason of race, class, gender, disability or because of social, economic and historical circumstances.

Inspired by our history, the Constitution, and international human rights standards, the LRC, both for itself and in its work, is committed to:

- Ensuring that the principles, rights and responsibilities enshrined in our national Constitution are respected, promoted, and fulfilled;
- Building respect for the rule of law and constitutional democracy;
- Enabling the vulnerable and marginalised to assert and develop their rights;
- Promoting gender and racial equality and opposing all forms of unfair discrimination;
- Contributing to the development of a human rights jurisprudence;
- Contributing to the social and economic transformation of society;

To achieve its aims, the LRC seeks creative solutions by using a range of strategies, including impact litigation, law reform, participation in partnerships and development processes, education, and networking within and outside South Africa.

LRC  
LEGAL RESOURCES CENTRE

# Chairperson's Message

Next year South Africa celebrates 10 years of democracy. This Annual Report of the Legal Resources Centre for the period April 2002 to March 2003 continues to illustrate the key role the LRC has played over the past 9 years in contributing to and nurturing the values of our constitutional democracy.

The Legal Resources Centre has, through its work and various interventions, touched and shaped in significant ways, both directly and indirectly, the lives of millions of South Africans. The many legal challenges brought has given meaning to the various rights in the Bill of Rights – whether in the area of education, social security or land security. What we have succeeded in doing is to demonstrate that the rule of law and indeed rule by law does work and that in material respects the law provides the most durable opportunity through which we transform and rebuild our society. The staff of the Legal Resources Centre have through their work remained in touch with the needs and expectations of ordinary South Africans and have successfully used the provisions of the Constitution to advance and improve the quality of life of many. While we are about to enter the second decade of democracy with much that still needs to be done we take pride in having contributed to the success that the past decade has certainly been.

The work of the Legal Resources Centre has been made possible by the support of many donors and supporters both inside and outside South Africa and we would like to express our appreciation for their ongoing support. Finally I would like to thank all members of staff and my colleagues on the Legal Resources Trust for their efforts in translating the vision of the organisation into reality.

**Jody Kollapen**

*Chairperson*

Legal Resources Trust



# National Director's Message

During the period under review international law and its mechanisms of resolving conflict had undergone its most challenging test of efficacy and legitimacy. It is argued that during the invasion of Iraq the United States of America and its allies have fundamentally, and with devastating effect, undermined the rule of international law and procedure. While in desperation we heralded the birth of the International Criminal Court and the appointment of its first judges, we drew little comfort from the knowledge that both the protagonist and antagonist of the invasion would escape the jurisdiction of the International Criminal Court with impunity.

At a regional level, we welcomed with a sense of relief and hope the tireless efforts of African leaders in seeking the peaceful resolution of age-old conflicts in the Great Lakes and in the war in Angola. Unfortunately, the enthusiasm of such efforts has not been echoed through meaningful intervention in the crises in Zimbabwe and Swaziland where the rule of law and the independence of the judiciary remain under constant threat.

At a domestic level, we witnessed government's slow pace in providing anti-retroviral treatment to those afflicted with HIV/AIDS. On the other hand, we were encouraged by government's commitment to dealing with poverty through increased budget allocations and its renewed commitment to social assistance programmes.

During this period, the LRC also celebrated the historical rulings of our courts in the Richtersveld restitution claim, the Bannatyne and Mngadi maintenance judgments and other important constitutional advances accomplished through its litigation and advocacy strategies. At the same time unemployment spiralled and the delivery rates in the overall land, housing and redistribution programmes has been slower.

In all of this the internal challenges faced in recent tasks by the LRC pales into insignificance. The difficulties were nonetheless real and the fact that the LRC had overcome many of them is due largely to the credit of its resourcefulness and the tenacity that it has built up over the past 24 years.

As international funding priorities changed after 1994, the legal work of the organisation became more specialised with a distinctive rights based centre. The LRC adopted more aggressive methodology with the projectisation of its legal work. This process brought with it greater complexities and challenges in the management of the work at national, regional and project levels. More broadly, the organisation has come under increased pressure and demand as both citizens and non-citizens alike made desperate claims to vindicate their rights under the new Constitution. While the lawyers and paralegals within the organisation enthusiastically embraced



novel strategies in their litigation, advocacy work and law reform initiatives, they instinctively sought to extend the outer bounds of the rights in the new Constitution to address the legacies of poverty and inequality. With every small victory and at times even losses, the clients of the LRC, their families and entire communities have slowly begun to restore their faith in the legal system and have been able to regain their pride and humanity that apartheid so cruelly cheated them of.

The intricate architecture of accountability and governance in the LRC, together with its progressive mission, is premised on the deep-seated ethos of public service and commitment to assist the ordinary people to assert their fundamental values and rights in the new Constitution through the use of law and all its mechanisms. Central to this enterprise are the people who make up the LRC. Their commitment, their selfless and generous spirit is what characterises the organisation. In this report, we unequivocally acknowledge with appreciation their continued service and commitment to the clients and communities that the LRC serves.

In recognition of our work we were awarded the coveted Duma Nokwe Award for Outstanding Contribution to the Achievement of Human Rights through the Practice of Law. This award was presented to the LRC by the South African Human Rights Commission, the Independent Electoral Commission and the Commission on Gender Equality at a public celebration held in Johannesburg on the 16th of December 2002. Further, in its partnership with the Canadian Bar Association, the LRC also received the SNC-Lavalin Group Award for improvement in social structure through the recognition of its Outstanding Performance in the Canada/South Africa CLU and Legal Development Project. On the 5th of February 2003 Canadian Minister Whelan presented this award to the Canadian Bar Association, the LRC's partner.

To all those who have contributed in whatever way to the work of the LRC, albeit through their diligence, guidance as trustees, generous support as funders, loyal members, staff, partners both nationally and internationally and most importantly the clients, the LRC remains truly indebted to you.

As the LRC approaches its 25th anniversary, it undoubtedly remains one of the leading public interest law firms, not only in the country but internationally.

**Vincent Saldanha**

*Acting National Director*



# You can't squeeze blood from a stone

Established in 1903, Bathurst Primary School has one of the oldest formal school buildings in South Africa. The main school building is a quaint whitewashed structure that reflects its Settler heritage. Additional prefabs were built as the need for classrooms grew. The school is located in the heart of the Bathurst farm district in the Eastern Cape and accommodates 70 pupils ranging from pre-school to grade 6. There is no running water and what water they are able to use relies on a catchment tank. Fortunately, the municipality supplies water for ablution facilities.

When school commenced in January 2002, the staff and pupils returned to find that there was no water available for the toilets. After speaking to other schools in the area, Mr Campbell, the school principal, found that the Ndlambe municipality had cut off the water supply to 14 other schools in the area because the Eastern Cape Department of Education failed to pay for the utility.

**Mr Jimmy Gradwell**, the governing body chairperson says:

*The municipality was stubborn and did not want to turn the water supply back on. They just did not want to listen to us. Imagine having 70 children, some as young as 5 years old, and telling them that they could not use the toilets. How do you tell that to a grade 1 child?*

*Although the Department of Education was at fault as they had not paid the*

*bills, we were hoping that the municipality would be sympathetic. They did not give us any notice that they would be cutting [off] the water supply. The only time the municipality started listening to us was when we asked the Legal Resources Centre to intervene on our behalf.*

**Sarah Sephton**, regional director of the Legal Resources Centre in Grahamstown says:

*We launched an urgent application to have the water supply reconnected. On the morning of the hearing the municipality agreed to reinstate the water supply and pay our costs. On the basis of that agreement we urged the respondents to reconnect the water supply to all fourteen schools in the area, failing which, we would proceed with legal action.*

*We argued that the municipality was in breach of its obligations in terms of s4 (3) of the Water Services Act No 108 of 1997, which requires that reasonable notice be given and that an opportunity to make representations also be given prior to such a decision. Clearly the municipality's actions were procedurally flawed.*

*According to the Constitution the actions of the municipality could only be seen as unreasonable and clearly without any consideration of the circumstances, including the pupils' rights to dignity and to receive their basic education under humane conditions.*



*Jimmy, Lucy and Amy Gradwell with Sarah Sephton.*

The municipality agreed almost immediately to re-open the water supply and averted much discomfort and indignity. Mr Gradwell says:

*We had to ask the pupils to carry buckets of water to flush the toilets; it was embarrassing for them.*

More than being a victory in securing the re-opening of the water pipes, however, this story serves to highlight the plight of thousands of schools in our country. For the staff of Bathurst Primary teaching is clearly a labour of love. Yet, they must contend with a severe lack of resources including basic furniture, as well as financial assistance.

*We only get a grant of R1,200 for the year. The school is registered with the Department of Education but gets no assistance from them. We pay our own electricity, although this is actually the responsibility of the Department of Education. The Department does not pay for repairs and maintenance; we have to get parents to help out. We had to increase our school fees to R150.00 per month but this is not affordable for many of the pupils. Parents are sometimes overwhelmed by financial responsibilities or are unemployed. You can't squeeze blood from a stone.*

*The Department has a history of being in arrears with accounts. We had our electricity cut in 1999 and now just pay the bill ourselves. There are so many other schools in the townships that don't have electricity as they can't afford to pay for it. The township schools have more than 700 pupils and it is very difficult for them to cope – yet the Department does nothing.*

*The State is discriminating against children by not providing adequate facilities for their learning. We simply do not know what to do anymore.*



Rufus Poswa and Amy Gradwell.



# School gets new classrooms



*The classrooms built of corrugated steel.*

Beneath the lush mountains in Mpumalanga lies a little town called Vaalbank. As far as the eye can see, dry dusty roads snake through acres of trees until the town emerges through a cloud of dust. There, reconstruction and development programme (RDP) houses compete incongruously with massive three-storey mansions – just one of the idiosyncrasies that exist in Vaalbank where Sizisizwe Primary School is located.

At first glance it does not seem that the local school was renovated recently. The landscape is stark and the buildings, while sturdy, seem old. **Mr Richard Moteme**, the Deputy Principal of the school, points to a row of four classrooms situated at the back of the school. *These are the new buildings*, he says. *We were given four new classrooms and a block of toilets.*

Sizisizwe Junior Primary School began their arduous battle for extra space with the Mpumalanga Department of Education in 1991. As pupil enrolments increased, the lack of classroom space became evident. Eventually four classrooms were built with corrugated steel sheets. There were insufficient desks and chairs and no chalkboard. Teaching aids could not be put up onto walls – far less than ideal conditions for teaching and learning to take place by anyone's standards.

**Mrs Johanna Laka**, a grade three teacher says:

*The first thing you feel is the heat. You go outside to work under the trees. But the kids are not concentrating – they are doing other things. Their books get torn and dirty. When it rains the roof leaks. We close the doors and it is dark - we must just sit.*

The school had been plagued with lack of facilities since 1991. A number of letters were written to the Mpumalanga Department of Education, but without success. Despite the torrid conditions, the teachers persevered.

*Since 1991 we have been complaining. We had 68 kids in a grade one classroom. We had to sit in the corners of the shacks. During the windy days the roof was so loose that they could go off at any time. We had no windows. Also snakes would get inside when we are busy teaching. You should have come before with the cameras and saw how we were working. It was dirty*, says *Mrs Zodwa Nkwane*, a grade 3 teacher.

It did not seem as though the Department of Education was going to assist. Parents then decided to raise funds to build the four classrooms, but in a community that is already cash strapped, and could barely afford to pay the minimal school fee, this was a daunting task.

Ten years later, in 2001, help came in the form of **Mr Charles Pillai** and the Legal Resources Centre. Mr Mahlangu, the parent of 2 children at Sizisizwe, was conducting research for his project on the aged when he came to LRC's Pretoria office. He mentioned the Sizisizwe problem to a candidate attorney who referred the case to Mr Charles Pillai, then regional director of the LRC's Pretoria office.

**Mr Mahlangu** says:

*The parents were very upset by the lack of response from the Department. They finally decided that the law must take its course – children are suffering while officials put money into their pockets. We decided to approach the LRC, not knowing that things would happen as it did.*





*The new classrooms.*

*Mr Pillai visited the school and compiled all the logistics – how many pupils, how many classrooms and what the situation was. He took pictures of the tin shacks and wrote a letter to the MEC for Education in Mpumalanga, Mr Craig Padayachee, and requested, no, commanded him to erect four classrooms. The entire process was handled by Charles and the building finally started.*

In his letter of demand Mr Pillai was unwavering:

*We understand that since 1991, the principal has repeatedly requested the Department to remedy this obviously discriminatory practice by erecting more permanent structures. We do not believe that there exists any reason for your Department not to prioritise this particular request and see to it that proper classrooms are built for the learners.*

*We therefore demand that you indicate to us a reasonable time frame for the replacement of the tin shacks by permanent structures. In the meantime and while more permanent structures are being built, we demand that the tin shacks be removed and that the learners be housed in clean, acceptable and suitable alternate temporary accommodation.*

The Department of Education subsequently relented and built a block of four classrooms, as well as a block of toilets in 2003, more than 10 years after the school took up the battle with the Department.

**Mrs Jerminah Nkwane**, a grade 3 teacher says:

*The children were so excited. They were jumping up and down and could not wait to move into their new classrooms.*



*We are happy although there are mistakes here and there. The students are doing well. They are free in the class, the space is there. They are able to do activities and we have chalkboards.*

The teachers are considerably pleased by the new facilities. For the first time they are able to teach in proper classrooms, have access to electricity and are not subject to harsh and temperamental weather. However, although pleased with the speed with which the renovations took place, they are concerned about shoddy workmanship.

**Mr Moteme** says:

*We are concerned about the workmanship of the contractors. They have not done a good job with following up on our letters.*

*We also have a shortage of water and the new toilets cannot be used. Some houses in the area get piped water, but the Department of Water Affairs and Forestry will not give us running water. They fill a tank but the water is not enough for the school. Once the truck comes to fill the water, the school must pay. It is a lot of money and they sometimes only come once a week.*



*Pupils playing and working at the school.*

Mr Moteme pointed out the various faults that are present. Contractors left several holes near the toilet area, which is a safety hazard to the pupils. Pipes were blocked which was evident by the stench of sewerage we encountered during our visit to the school. In some of the classrooms the chalkboards had not been installed properly and were loose. The school obviously had many difficulties including the lack of basic teaching and learning resources and the electricity being cut off. Once again letters have been written to the relevant authorities, but change comes slowly, if at all. While the four classrooms and toilets have been built, much remains to be done.

The principal and staff remain undaunted and work continues as usual. In a letter written to the LRC they state:

*The Principal, SGB, parents of the children at Sizisizwe Junior Primary School and the task team . . . applaud the profound job done by Mr Pillai, moreover, we lack words to express our excitement about this delightful exercise in nation building.*



# Identity documents for refugees

When Pierre Sebakwiye was granted refugee status in South Africa on June 5 2001, he thought he was embarking on a new life in this country. Little did he know that his application for a South African identity document would take him to the courts, in what became an uphill battle.

The native Rwandan applied for a refugee ID document on June 14 2001. He received an acknowledgement of his application and was told to return to pick up the document in 3 months. By February 14 2003, he had still not received his document:

*Going to the Department of Home Affairs is extremely frustrating. Normally they say 3 months, but 3 months becomes 6 months, and 6 months becomes 12 months. The Department of Home Affairs is not doing their job. It is negligence. Maybe South African citizens get the IDs in 3 months. For refugees there is a difference. Not every refugee can come to the Legal Resources Centre or Lawyers for Human Rights for help.*



Sebakwiye, together with 4 other refugees approached the Legal Resources Centre in Durban for help. Without identification documents they could not obtain legal work in the country or apply for financial assistance for their studies.

*Wherever you go in South Africa you encounter difficulties because of the lack of an ID. You cannot open a bank account or apply for a job.*

Leonidas Bakuzakundi and Stanislas Rwandarugali are students at the University of Natal. In an affidavit the pair said that while the university had allowed them to attend lectures, it had been made clear that their applications for financial assistance could not be processed without identity documents.

*We have been advised that further delays will seriously prejudice our applications... we are concerned about losing our places at the university through no fault of our own.*

In the meanwhile Sebakwiye was concerned about his day-to-day survival.

Without an ID he had very slim chances of finding a job.

*It is a miracle for refugees to survive when they come to South Africa. They go into the refugee communities where they receive kindness and co-operation. Refugees who have experienced great trauma in their own countries, do not receive much help here. Some sleep on the streets or ask for voluntary repatriation. What I experience here is the same as in my own country. At least I can die in my own country in peace.*

*Many refugees are highly skilled, yet they cannot get similar jobs in this country. Refugees with degrees, who used to teach in their countries, work as car guards here. Those who are lucky get into business, or trade informally to survive. Some go to universities.*

The LRC attorney, **Sheldon Margardie**, who brought the case to court on behalf of the refugees, secured a High Court order compelling the Minister of Home Affairs and his Director-General to issue their IDs immediately.

*Delays and a lack of action by the Department forced us into a situation where we had a contempt application against a cabinet minister. We have to get ministers and senior officials to take responsibility for the inaction of their Departments or the matter will never be addressed. They do not seem motivated by a court order.*

Magardie says that the LRC was told before the court date that the IDs had been sent by courier to their Durban office.

*The Department then later asked for pictures of the students saying that the documents had been lost – which suggests that they did not send the documents, and that they lied to us and the court, which is a very serious offence.*

In February 2003, the Durban High Court granted an order instructing the Department of Home Affairs to issue the ID documents within 7 days. Despite this order the IDs were not issued by the deadline. One ID was not issued and the other expired 2 days after it was issued. The remaining ID books were issued in May.



Pierre Sebakwiye and Sheldon Margardie

# A work permit at last!

Life is daunting for refugees embarking on a new life in a foreign country. Being denied the right to work in that country effectively renders them helpless. They are forced to live off the goodwill of refugee organisations that are already inundated with requests for assistance. So when MW arrived in South Africa, having been granted refugee status, her battle had just begun.

*My late husband and I had only one child who is profoundly deaf and cannot speak. Because of fear for my son's safety as a result of the deteriorating political situation in Harare, I first entered South Africa on 20 October 2001 to consider seeking asylum. I was particularly concerned that my son would be forced to join a political party. As a deaf mute, my son would be particularly vulnerable to misunderstanding and to being victimised.*

In February 2002 MW and her deaf son applied for asylum in Cape Town. While waiting for their application to be processed she was not allowed to work and her son was not allowed to study.

*My first priority was to get my son into a school for the deaf. That was the reason I came to South Africa. My son had completed school in Zimbabwe but there were no places that he could go to for further studies. The schools for the deaf in Zimbabwe were not specialised; the teachers were not trained to teach deaf children. The school that my son attends here is excellent. He has experienced teachers and they work with small groups.*

*The problems started when I tried to get work. I was told that I would have to wait until I was granted refugee status, which could take up to 6 months. I could then apply for a work permit but that could also take 6 months to process. I did not know how I was going to support my son and myself. It was a very difficult situation.*

The Refugee Act came into effect in April 2000 to give effect to international conventions relating to refugees. Five days after the act came into effect the Minister of Home Affairs passed a set of regulations that would allow asylum seekers to stay in the country but that prevented them from

working or studying in South Africa while they awaited the outcome of their applications. This regulation was supposedly introduced to streamline processes within the Department and to encourage efficiency. However, human rights campaigners see it as a move that points to the growing xenophobic sentiment in this country.

*I desperately needed to get employment as I had used up all my savings bringing my son to South Africa and paying rent at my present accommodation. The choices that faced me were to work illegally, to beg without much success, or to starve. I was not able to survive for much longer than a month without working.*

Thousands of applications arrived from those seeking asylum and they could not be processed within the allocated 6 months. Yet applicants were still prohibited from working and studying while their applications were being processed.

Some applicants were waiting up to two years to see if they could legally remain and work or study here, says Zoe Nkongolo of the Cape Town Refugee Centre. The Refugee Centre is also an applicant in the case that MW brought before the Cape Town High Court.

At that stage the South African government had not provided any assistance to refugees in the form of social welfare despite an apparent assurance to the United Nations High Commissioner for Refugees (UNHCR) that it would do so. Asylum seekers were often faced with the prospect of starving or becoming beggars. The only reasonable alternative was to work without the permit.

## Constitutional Court gives foreigners right to social assistance

On 4 March 2004, the Constitutional Court ruled that immigrants with permanent residence permits are eligible for social grants. The applications were made by Mozambican citizens with permanent residence rights in SA. They brought the application on behalf of themselves, their children and people from other countries with the right of permanent residency. They argued that their exclusion from social grants infringed on their rights to equal treatment, social security and children's rights.

*Judge Yvonne Mokgoro, who delivered the majority ruling, said the Constitution: ...vests the right to social security to everyone. Dignity and equality are founding values of the Constitution and lie at the heart of the Bill of Rights.*

*There is no doubt that the applicants (the foreigners with right of abode) are part of a vulnerable group of people in the community who deserve protection under the Constitution. What we are dealing with is the deliberate and legally-approved unequal treatment of part of the SA community. In my opinion, the importance that everyone who lives in South Africa permanently has access to social assistance weighs heavier than government's financial problems and problems with immigration.*

But this is not an ideal situation. Being paid in cash often attracted criminals who would rob the refugees, knowing that they carried cash and could not report the theft. Refugees who have been granted legal status have found that banks refuse to allow them to open accounts.

*We can't open accounts and have to keep cash. The criminals know it, says Nkongolo.*

MW came to the LRC's Cape Town office to assist her to obtain the right to work while she was awaiting the outcome of her application for asylum. With the LRC's assistance she took both the Minister and the Director-General of Home Affairs as well as the Chairperson of the Standing Committee on Refugees, to the Cape High Court asking the court to order that she be allowed to work and her son to study.

Apart from technical arguments about the Minister's right to pass regulations and the Standing Committee's legality, the LRC argued that not having the right to work and study infringed on refugees' right to

equality, human dignity, life and just administrative action.

The court found that the Minister's usurping the power of the Standing Committee regarding the regulations were unlawful and unconstitutional.

MW was delighted at the result as she could now work legally in the country and her son could study. However, this former pharmacy assistant found that some difficulties would not be overcome as easily.

*I am glad that my son has a chance to study. He will be able to support himself once he finishes school. I will not be around forever to look after him that is why it was important to come here to give him a good education.*

*Although I have a work permit, finding work is hard. There is a lot of discrimination against refugees. Sometimes I get some odd jobs but it is not enough to support us – I have to rely on friends to help us.*

MW points to a problem that has far-reaching consequences in South Africa. Refugees have often been accused of

stealing jobs and this seems to indicate an increase in the expression of xenophobia.

The xenophobia is also based on false perceptions, says LRC attorney William Kerfoot. He points out that there is a great deal of information from reputable studies which reveal that far from draining the country's resources, refugees were actually of benefit to the country. Most were highly skilled and highly motivated. Evidence points to the fact that while they may also compete in the job market, they also create jobs.

Despite such evidence, xenophobia continues to gain ground and is highlighted by the use of the derogatory term *makwere-kwere* to describe African immigrants. They are blamed for a variety of social ills, including job losses, the creation of overcrowded slums and for crime.

The court's decision to uphold MW's right to work was well received within human rights organisations which would like government to look at and improve the general treatment of refugees in this country.

# Tshiamelo – a place of peace

In her book *Call Me Woman* Ellen Kuzwayo writes about her family's forced removal from their land in Thaba'Nchu in the Free State. Her family had lived on the land since 1905 but were forced to sell the farms when the government advocated the idea of the clearance of 'black spots', which were areas for white-only occupation.

The Tsimatsima, Masisi, Mabokela and Kuzwayo families were dispossessed of their residential, arable land and grazing rights when they were forced to sell and move according to the Expropriation Act No.63 of 1976 and the Native Trust Land Act 18 of 1936. The families had lived on the land from as far back as 1905.

When these portions were forcibly sold, they were registered in the names of George Letshapa Masisi (Sweethome), Blanche Maude Tsimatsima (Segogoana's Valley), and Emma Mmuti Mabokela, Ellen Kate Kuzwayo and Maria Dikeledi Pilane (Tshiamelo). The families were represented by Kabelo Tsimatsima who lodged a claim to these farms, all portions of the farm *Thaba Patchoa*, situated in the Ladybrand Magisterial District of the Free State Province.

*This is the farm that was wrenched from our family as recently as 1974. In that year, without a thought for human feeling, the authorities declared the area a "black spot" – meaning not that black people should live there, but the very opposite. A stroke of the pen made it illegal for black people to own land in the area; white farmers were to take over.*

*My maternal grandparents owned the farm in the 1880's; it was home to my parents and to us children. There had been close to a hundred years of legitimate freehold ownership; it had been earned and maintained with hard work and toil by our elders for the benefit and welfare of their children and*

*their families. Through iniquitous and inhuman legislation, my family was rendered homeless and wanderers in the land of our birth.'*

These 3 families were dispossessed of their land rights in 1974 and 1978. Directly linked to the dispossession of land rights was the adopted policy around "clearance of the black spots". These were areas in which black people were not allowed to live.

*Sweethome* was dispossessed from the Masisi family with a compensation of R72, 000.00. The process leading to the expropriation of this farm on 17 October 1978 was the culmination of a process of racial discrimination and harassment which started while the farm was registered to Moses Masisi. In 1973, after the owner George Masisi passed away, his wife received a letter from the attorneys informing her that she would not be allowed to remain on the farm because it was situated in a "white area".

According to an affidavit submitted by Ellen Kuzwayo, the farm was passed on to her and her sisters by their father, Abiel Phogane Tsimatsima, who died in 1961. According to the affidavit, the government pressurised her father to sell the farm to either the white farmers in the neighbourhood, or the government. He was threatened with expropriation if he refused to sell and consequent to such mounting

pressure, the farm was finally sold in 1974.

Segogoana's Valley was sold in 1973, against the wishes of the owner Blanche Maud Tsimatsima and the last will and testament of her late father. The Will stated that if any of the children wished to sell his/her portion, he/she could only do so to another family member. The three families lodged a claim with the Regional Land Claims Commissioner (RLCC) for the Eastern Cape and Free State in 1995. The RLCC acceded to the request to investigate and process the claims together.

The claim was based on the injustice of the forced removal since the claimant families were coerced to sell their properties. Although the families received payments when their properties were taken, the amount received was arbitrarily decided on by the State and was clearly inadequate and unjust. The dispossession had uprooted them from a place where they had resided since 1905 in relative prosperity and where their future livelihoods would be secure. The families believed that the restoration of their original land would give them an opportunity to reconstruct their shattered family lives and improve their socio-economic position.

After 10 years of legal battles and hardship, the handover of the land will take place this year. Ironically, this day also marked the birthday of Blanche Tsimatsima who passed away in 1998 and would always be remembered as the matriarch of Tshiamelo.

The LRC assisted the families with the negotiations with the RLCC. The legal support provided to the families actively assisted in bringing the claim to a satisfactory conclusion for all concerned. In a report the RLCC states:

*The claimant families have opted for the restoration of the land from which they*



Ellen Kuzwayo

were removed as the acceptable form of restitution. They pointed out that the portions are still available with no major developments having been effected on them that could render restoration unfeasible. The RLCC, having investigated the claim and taken various relevant issues into account, endorses this position.

Ellen Kuzwayo turned 89 on the 29th June 2003 and will undoubtedly rejoice at the land being given back to her people:

*As recently as February 1984, a friend and I took a flying business visit to Thaba Patchoa. I was moved to see the main buildings of that once dear homestead ... still withstanding the harsh weather with dignity. The ceiling and floors,*

*finished with wood, are strong and intact after approximately 100 years. Other houses around that living monument are beginning gradually to fall apart. At the homestead patches of hard earth floor are sagging under the fast growing reeds, where once our little feet moved swiftly. How sad. All these tell a story of a people who left footprints where they moved.*

Ellen Kuzwayo<sup>2</sup> may not be able to return to live on the farm, but her memories will always be with her. Her comfort is that the land that the 3 families have fought so hard for was returned to them. Her great-grandchildren and their children will be able to roam the fields, pick fruit from the

orchard and swim in the dam on scorching days. There are so many more memories waiting to be made.

1 Ellen Kuzwayo *Call Me Woman* p 56

2 Ellen Kuzwayo is a prominent human rights activist who valiantly struggled against South Africa's apartheid regime.



# Same sex partners registered as parents

When J and B became parents, they were overjoyed that their family was finally complete. Little did the two women realise that for both of them to be officially recognised as parents of their twin babies, they would have to go all the way to the Constitutional Court.

J and B are two women in a long-term same sex partnership who shared a desire to start a family. B underwent several attempts at in-vitro fertilisation, which proved to be unsuccessful. J then provided her eggs that were artificially fertilised with donor sperm and were implanted into B, who gave birth to twins. This means that J is the genetic mother of the children while B is their biological mother.

B said that when she was just two months pregnant she contacted the Department of Home Affairs to discuss how the question of the birth certificates would be handled.

*I said that the children would not be illegitimate, and that given the Constitution's guarantee that people would not be discriminated against on the grounds of sexual orientation and marital status, some way needed to be found to deal with the situation. After I explained the situation, all I could hear was the officials on the other side screaming with laughter. They told me that nothing could be done. I would have to fill out my name as the 'mother' and that there was no space for their genetic mother to be reflected on the form.*

After the children were born, the two women filled out the birth registration forms. B put her name in the space for 'mother'. They deleted the word 'father' and wrote 'parent' instead, where J filled her name in.

The Department of Home Affairs refused to accept the forms or to register the children under these circumstances. They

advised in correspondence preceding litigation that two women could not be regarded as the father and mother or parents of the children as there was no legal marriage that took place and that none of them could claim fatherhood.

The couple sought the advice of **Sharita Samuel**, an attorney working in the LRC's Durban office.

**According to Section 28(2) of the South African Constitution:**

**A child's best interests are of paramount importance in every matter concerning the child.**

**Section 28(1) provides that:**

- Every child has the right-**
- (a) to a name and a nationality from birth;**
  - (b) to family care or parental care, or to appropriate alternative care when removed from the family environment.**

**In its application to the court, the LRC advanced the following argument:**

***It is quite apparent that the provisions (terms) of section 5 of the Status Act assume a particular conception (and definition) of the family. Such a narrow and exclusive viewpoint has on several occasions been held not to accord with our new constitutional values.***

In her judgement, **Judge K O'Regan** stated:

*...families come in many shapes and sizes. The definition of the family also changes as social practices and traditions change. In recognising the importance of the family, we must take care not to entrench particular forms of family at the expense of other forms.'*

The case was heard in the Durban High Court where Judge Allan Magid said that there was no justification for the refusal to register the births of the children, in the way that the mothers wished to do, other than 'bureaucratic intransigence'. He said that according to the Constitution, children had a right to a name and that it was the Department's duty to facilitate such registration. '*Certainly it is no part of the function to place technical difficulties in the way of such registration*', he said. The judge also ordered the Department to draw up a new form, which will allow for similar circumstances in the future.

It was argued that the Department's refusal to register J as parent would have serious consequences. If the biological mother were injured or unable to take care of the children in any way, her life-partner would have no legal say over their future. Since both women were reflected as parents, the children would now have an automatic guardian should one of their parents die.

In his order, Judge Magid declared section 5 of the Children's Status Act unconstitutional. The matter was then referred to the Constitutional Court for ratification.

The Constitutional Court upheld Judge Magid's decision, also declaring the provision as unconstitutional, as it did not recognise permanent same-sex partners as

# Woman applies to be declared alive!

legitimate parents. The landmark judgment was hailed worldwide as a victory for couples in permanent same sex partnerships in similar circumstances.

The LRC's Sharita Samuel, the applicants' attorney said:

*In this particular case, there was a genetic link between J and the children. How could the law be interpreted to deny her recognition as a parent? It was unacceptable. If there had been no genetic link, our case would have had to be very different. It was a new law and required the research of international precedents and involved a superb legal team effort that included our Canadian working partners and their experience in the area – resulting in careful strategising and convincing legal arguments.*

*This case was precedent-setting, not only for the LRC, but also for South Africa. It gave definition to the whole concept of what family is and challenged the concept of a nuclear family being the norm. It recognised that families have different relationships and that society has moved away from the man/woman scenario. In this case the common law definition of mother was challenged and it was the first time ever in South Africa that two women have been named as parents on a birth certificate.*

<sup>1</sup> Dawood and Others v Minister of Home Affairs and Others 2000 (3) SA 936 (CC)

**Francisca Makhosazane Dlamini, 38, from Inanda, Durban, learnt that she was 'officially dead' in 2002 and was forced to go to court to have herself declared alive!**

This single mother of three children went to the Department of Labour to apply for unemployment benefits after she lost her job. Her application was turned down in a letter dated January 2002 – the reason: 'as per Home Affairs you are recorded as deceased'.

**Dlamini** says:

*I was shaken by this and immediately went to the Home Affairs offices in Umgeni Road where I was given my death certificate. It stated that I had died on May 25, 1999. I was told I could get my particulars corrected. I made this application, more to show that I am still alive. That application was accepted, and I was handed a receipt. I was told to come back after 6 months to check on the outcome of the application.*

In the meantime the Department of Labour continued to refuse to pay her unemployment benefits.

In October 2002 she visited the Home Affairs office again and found that the death register and population register had still not been corrected. These continued to reflect her supposed demise.

*No one was able to tell me why the corrections had not been made. I went back five times and nothing had changed.*

Finally, in December, she contacted the Legal Resources Centre's Durban office. Attorney **Ranjit Purshotam** sent faxes to the Director-General and Minister of Home Affairs demanding that the registers be amended within 7 days. Neither responded.

Through Purshotam, Dlamini filed papers in the Durban High Court giving Home Affairs until 14 February 2003 to oppose the application, or an application for a court order would be issued, compelling the Department to immediately change the registers and pay costs.

Dlamini says her children suffered because she was unable to claim unemployment benefits:

*It is very difficult to survive without a job and a regular income. We have all been forced to swallow our dignity and rely on the charity of family and friends during this difficult period. However charity has its limit and soon we will reach the point where no one will be able to help us. If my particulars are not corrected, things are just going to become more difficult for me.*

After Dlamini filed the court papers, she was issued with an unemployment insurance fund (UIF) card and could finally claim her UIF benefits.

**Ranjit Purshotam** said that there were so many of these cases that the LRC decided to use Dlamini's circumstances to 'take a stand':

*Once the judge made the order, the Department of Home Affairs would be forced to take problems like these seriously. The Department had to pay costs, which in my view, is a waste of public money.*

# A wake-up call

South Africa's government departments have often been accused of poor service delivery and of unsatisfactory customer relations. The Department of Home Affairs is notorious for its sub-standard service and its inability to deliver. Hopefully that is all about to change.

In a landmark victory in Durban, Isipingo Rail pensioner, **Rubiamma Pillay**, was paid her pension benefits by the Department of Home Affairs after it failed to issue her with an identity document timeously.

Mr Krish Pillay, Rubiamma's husband says:

*We made the application 5 years before she turned 60. We were told that the application had gone astray and had to make 5 other applications. We then applied for the ID in March 1999 at the Prospecton office and were told to collect it in 3 months. Going to Prospecton for an ID is a process. The queues are unbearable and we used to spend 2 to 3 hours, twice a month, waiting. She could not get her pension, but also could not vote in the first democratic elections of the country as the initial application for the ID was lost.*

When Mrs Pillay went to collect her ID in June 1999 she was told that her application had not been processed and that she should come back in August. She did, and was told on 18 subsequent trips that the application had not been processed. In December that year she was informed that the application had been lost and that she should re-apply. After re-applying she finally got her book on November 7 2000 – 16 months after her initial application!

Mr Pillay kept a meticulous paper trail of their interaction with the Department of Home Affairs. He has documented dates, times, names, phone calls and has a long

list to show, as evidence of the many years it took before his wife could receive her ID.

Things were further complicated when the Department of Home Affairs alleged that the ID number Mrs Pillay had been given, belonged to another woman. This prolonged the case and it took a further 3 months for the Department to send them a letter stating that the matter had been resolved.

In the meantime, because she did not have a valid ID book, she was unable to apply for her State pension of between R520 and R540 per month. Pillay felt that the Department officials had deprived her of her constitutional right to a pension, accusing them of negligence, breach of duty and not having adequate staff and systems in place to ensure that her application was dealt with efficiently. As a result she suffered a loss of R11 522.98.

Mr Pillay finally asked the Durban office of the Legal Resources Centre to intervene. Attorney **Mr Ranjit Purshotam** said that initially the State Attorney had indicated that the government would defend the matter, but no responding papers were filed at the court within the prescribed time.

Purshotam says:

*I brought the matter to a head and they had to settle and pay the full amount – there can be no other interpretation but that it was an admission of liability.*

*The out-of-court settlement will serve as a wake-up call to government departments to serve people efficiently and promptly. In future, action will be taken against government bureaucrats in their personal capacity and they will be made to pay from their own pockets. The effect is to promote efficiency and accountability in government services. If anyone suffers a loss through government inefficiency, they are entitled to claim for that money – no matter what department or for what reason.*

Pillay said she was thrilled to have won the case:

*It took us 3 years to wind up the case. I hope that my case can help other people who have been unsuccessful in getting their IDs. Many people are suffering as they are unable to apply for State pensions because they do not have their IDs.*

*Mrs Pillay with Ranjit Purshotam.*



*Krish and Rubiamma Pillay.*



# Precedent for Provident Fund industry

Maintenance dodgers were given a rude awakening when a judgment in the Durban High Court in April 2003, ordered a provident fund to make maintenance payments on behalf of a former employee.

When **Sifiso Khanyile** resigned voluntarily from his place of work he did not give much thought to his maintenance obligations. The judge ruled that Khanyile would only be entitled to any money left in the fund once his maintenance obligations were fulfilled – including arrears and future maintenance!

The case against him was brought by the mother of his two children, **Ruth Mngadi**. She had asked for an increase in her monthly maintenance, but Khanyile refused and threatened to leave work as paying maintenance was 'an extra expense'. When Mngadi went to collect her monthly maintenance benefits in accordance with a garnishee order, she was informed that Khanyile was no longer working and there were no maintenance benefits available for her 17-year old son, Khulekani, and 15-year old daughter, Silindile. Mngadi was faced with a predicament – she worked part-time and was unable to fully cater for the needs of her children:

*I was angry and felt betrayed. There was no good reason for him to resign. He did not have plans for the children and was irresponsible.*

According to LRC attorney, **Sharita Samuel**:

*Such trends have occurred with alarming frequency, creating great financial difficulties for many women in the same situation. While the courts grant orders for the recovery of arrear maintenance from provident funds, the funds are refusing to pay out future maintenance obligations.*

The LRC's Durban office brought an application to challenge this practice and to revisit the interpretation of the Pensions Fund Act, which governs this aspect of claims against such Funds.

Khanyile's provident fund declined to accede to the LRC's demand and said that Mngadi could freeze Khanyile's bank account once the money had been paid

into it. As Mngadi would not have had advance notice that the money was paid out by the provident fund, this was not an effective solution since she would not have been able to intervene timeously to prevent the dissipation of funds.

The LRC referred the matter to the Pension Funds Adjudicator who also dismissed the case. The matter was then referred to the Durban High Court. Ranjit Purshotam of the LRC's Durban office argued the case and challenged this practice and the interpretation of the Pensions Fund Act, which governs this aspect of claims against funds.

The Court ruled in the client's favour and ordered the Provident Fund to retain the withdrawal benefits of the member so that his maintenance obligations might be fulfilled. Currently, a trust is being set up to administer these monthly payments. For Ruth and her minor children, this ensured that their basic needs, such as food, shelter and school fees were now secured.

Sharita Samuel says:

*Both the Pensions and Maintenance Acts are examples of social legislation intended to achieve social justice, to protect socially vulnerable groups and to prevent exploitation and unfair domination. In other words, these statutes are intended to have a significant impact on the sensitive and intricate relationship between those who are liable for maintenance (usually men) and those who seek it (usually women).*

*It is intended to be binding on both the state functionaries that administer and implement the maintenance legislation, and the private sector that controls the administration of provident fund benefits and indirectly fulfils maintenance obligations in such cases.*

Meanwhile Ms Mngadi is satisfied that her children will be provided for:

*I am happy that we won. There are too many workers who leave work just to avoid paying maintenance. There are a lot of people in my shoes who are suffering.*





*Ruth Mngadi with her children (above) and LRC staff (below)*



# Clarina gets her home

When Chantel phoned and said she wanted to come and see me I was very nervous and worried. I thought that they wanted to take the house away from me. I did not know what to think. I was so scared.

So begins Clarina Julius's tale of her battle against Anglo American Farms. Clarina and her family live on a farm in Languedoc, near Franschoek. She works on the farm Wonderland, which belonged to Anglo American Farms (AAF) until it was sold and Anglo American Farms instituted eviction procedures against her and 14 other families. Clarina opposed the eviction, claiming that she was entitled to a home according to AAF company policy that promised new homes to permanent employees. The company tried to evict her on the basis that her husband, a former employee, was no longer entitled to such a benefit since he had been dismissed by the company.

*On 15th November 2001 a man who introduced himself as the Sheriff of the Court, handed me a box of documents. He said it was a Court order and that he would return in 10 days to evict me and*

*my family. I didn't know what to do when we got the notice of eviction. I was very worried. How could I tell my children that they were going to lose a home?*

*I tried to read and understand the documents. I only completed standard 7 and my English is not good. I was very upset about losing my home and felt that I could not do anything because the Sheriff told me that he would evict us in 10 days' time.*

Julius initially sought help from the Languedoc Housing Committee. The Committee's attempts to liaise with the company proved fruitless and the threat of eviction loomed closer. Luckily assistance in the form of the LRC, was close at hand.

*Anglo told me to go and stay with my parents and that my husband had to leave the farm because he was fired. My friends helped and kept me going during these hard times.*

*On 16 December I met Andries Williams, an ex-employee who was also evicted. He told me that a group of employees on the farm were going to the LRC. On 18 December a group of us that were served with eviction papers went to the LRC. We spoke with Chantel Fortuin, an attorney. I don't know what I would have done without Chantel. The company has a lot of power and I was frightened. I could not cope on my own. I was frightened to ask Chantel how much their help would cost us, as we did not have money to pay. We thought that we did not stand a chance.*

*The LRC told us in January 2002 that they would accept the case. We were very grateful. I was relieved that I had some hope and that my children and I would not be without a home.*

For many years Anglo American Farm's housing policy was allocated on the basis of gender. An occupier was clearly defined as a weekly paid **permanent male employee**. A widow could stay on the farm if she could show that a permanent male employee was willing to offer her accommodation – a policy that obviously discriminated against women employees in terms of section 9 of the South African Constitution that says:

(1) Everyone is equal before the law and has the right to equal protection and benefit of the law.

(3) The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, language, culture and birth.

Clarina's story reflects this discriminatory practice:

*For many years my husband was a permanent employee on the farm. He was dismissed and I am now a permanent employee. I have been living in this house with my husband since 1997. The house is currently in my husband's name. When the houses were given he was a permanent employee and I was a casual employee. When I approached the human resources manager to transfer the house onto my name, she refused. I was told that I should move in with my parents and that my husband would have to leave the farm. This was not possible as the company does not allow 2 families to live in the same house. But what was more important was that my family should not be separated. My children and I had a right to live with my husband. I also*





*Clarina Julius and her sons with Chantel Fortuin.*

*approached the human resources manager to put my name down for one of the new houses in the development that was taking place. She refused again. When I became permanent I asked her once again to transfer the house onto my name and she refused.*

LRC attorney **Chantel Fortuin** says:

*Anglo American Farm's requirement of permanent employment indirectly discriminated against women, as most casual workers were women. They had this inferior status even though they were working as permanent employees, that is, 8 hours a day for 5 days a week. Clarina was only dismissed during her pregnancies and she was made to start as a new casual employee after each pregnancy.*

*The company's legal team contested the matter fiercely – they even opposed an application to condone the late filing of Clarina's intention to defend the matter. This despite the judge having indicated in a pre-trial conference that the Land Claims Court would not turn a poor farm worker away from court simply for being late in filing such important papers.*

*This is a case of a relatively powerless woman taking on a multi-national like Anglo American Farms. The fight drained our client and she was ready to give up on a number of occasions. Anglo settled this case, practically on the steps of the court, because we refused to give in.*

When Anglo American Farms settled the case, Clarina was nearly dumb-struck; her battle was hard fought. She is now the proud owner of her own home.

*Anglo fought against the LRC and the workers as if we were a big company and they fought relentlessly. They weren't prepared to concede anything.*

*Anglo knew we were not strong and halfway through even I began to doubt our strength. I got ill and had to go to the doctor. I did not want to do anything because I felt I was going to lose the house. I thought that they would arrive soon to evict us.*

*Now that everything is over I am happy. I lived on this farm for 28 years – it is the only place I know. For them to tell me that I could not live here made me very*



*frightened. My husband and I now own the house. I can't believe that it is actually ours. We are planning to do some renovations.*

*I am very proud that I stayed and fought – it is because Chantel encouraged me. This will help the other workers here to get their own houses. Chantel drove thousands of kilometres to get statements and have them certified and to talk to us. She was very stern with me. She said this is your house and I can't fight harder than you. You have to fight for what you want.*



# Kaserne



Informal housing settlements dot the South African landscape; they form an obtrusive scar against the skyscrapers, mountains, deserts and lush farmlands of South Africa. Apartheid has created a huge housing deficit in this country and 9 years of democracy and freedom has not been sufficient time to ensure that all people enjoy an equal opportunity to decent shelter.

Johannesburg's central business district. This was a collection of patchwork houses along a "road reserve" set up by the Johannesburg City Council and earmarked for future city development. To the inhabitants of Kaserne this was home, and it was all they had.

**Alfred Musa Hlatswayo**, a resident of Kaserne says:

*Before moving to Kaserne, I lived in Selobela in Mpumalanga. I worked as a mechanic but when I was retrenched I moved to Johannesburg to look for work. I found people living in Kaserne Informal Settlement and they allowed me to build a shack there.*

*In February 2002 a man came to the settlement with court papers and handed them to the people who were present. He also placed copies of the papers under the doors of the shacks where there was no one present. The man did not speak to any of us and did not explain what the papers were about.*

Eviction would have meant that 65 families – mothers, fathers, grandparents and children would have no place to go to and, while the Council wanted to remove people from their homes, they did not provide any alternative accommodation. The families were without legal representation and were referred to the LRC by a Judge of the High Court.

Hlatswayo says:

*It has not been easy to come from the rural districts to a large city to make ends meet. We live under difficult conditions and do not have the basic essentials like electricity and sanitation. I cannot rent suitable accommodation as I earn too little. I do not work as a mechanic anymore as I could not find work – instead I sell cardboard boxes and tin cans.*

Families lived in temporary shelters, without any access to water or sanitation. Most heads of the households were unemployed women who made a living from selling recyclable waste material, including plastic,

According to LRC attorney, **Achmed Mayet**:

*Urbanisation has created an acute shortage of housing and people in rural areas perceive Johannesburg to be a wonderful place, with opportunities for all. They believe they will be able to walk into a job. When this does not happen they do not return to the areas they come from as they are too embarrassed to admit defeat.*

Other reasons for informal settlements mushrooming rapidly can be attributed to retrenchments that take place in industries where employees are forced to move from the hostel accommodation that was provided for them. Employees find themselves unemployed and homeless and inevitably build informal shelter for themselves.

Once such informal settlement was Kaserne, south-east of





*Achmed Mayet and Tefo Mashala with a client*



*Children playing on the streets of the settlement in Vlakfontein.*



*The settlement at Vlakfontein.*

cardboard, tin cans and glass bottles. Being removed from their homes would be a double blow to the residents of Kaserne: not only would they be homeless, but they would also be without any prospects of earning a living.

The LRC entered into negotiations with the City Council and persuaded them to settle without litigation. The families were

resettled in Vlakfontein, a subsidised low-cost housing development about 35 minutes south-west of Johannesburg. They were provided with stands to erect dwellings and each stand came equipped with an ablution block. Children were able to attend schools in the vicinity.

While the residents of Kaserne may have been settled into homes, there are various

other informal settlements that can be found all over South Africa. The problem is a far more complex one than simply allocating alternative land or houses – South Africa has a long way to go before all its citizens benefit from the socio-economic rights that the Constitution entitles them to.

# Hoogenoeg



*The transit camp at Hoogenoeg.*

When the Makana Municipality in Grahamstown ordered the eviction of 37 families squatting in the Hoogenoeg area, more than 100 men, women and children, including a frail 100 year-old man, were left homeless. In an extraordinary turn of events, the evicted families, with the assistance of the LRC's Grahamstown office, appealed the decision and were granted adequate alternative accommodation.

**Rufus Poswa**, a paralegal at the LRC in Grahamstown says:

*The Hoogenoeg community squatted illegally on municipal land and the municipality was granted an order to evict them. The municipality had earmarked the area for housing development and although a judge granted the eviction order, correct procedures were not followed: these illegal residents were not offered adequate alternative accommodation and were simply told that their houses would be demolished.*

**Bassie Davies** is one of residents who was threatened with eviction. He and his wife support 5 children and had been living at Hoogenoeg since December 1996. Ironically, it had been the municipality who had advised Mr Davies to move to Hoogenoeg from his original area!

*When I was evicted from Sugarloaf Hill I was advised by municipal officials to move to my current home at Hoogenoeg where I was allowed to build a shack. The Town Clerk wanted me to give a written undertaking that I would remain at Hoogenoeg*

*and that I would not squat anywhere else. I have been at Hoogenoeg since February 1997 and thought that I would eventually be given permanent accommodation by the Municipality.*

Another resident of Hoogenoeg, **Mr Kholisile Kam Kam** says:

I started living in Hoogenoeg in October 2001. I moved here from Assegai Bos. I am 101 years old and it is difficult for me to get my old age pension from Assegai Bos. I also needed to see doctors and I could not go to the provincial hospital from Assegai Bos. I was also afraid to live there. If I became very sick, there were no people living nearby who would be able to help me.

The Makana Municipality was eager to evict these residents as they were preparing to develop the land. Pravine Naidoo, municipal manager said that the squatters' presence disrupted business activities in the area and interrupted the

municipality's efforts to establish an orderly residential development. The municipality further contended that every effort was made to meet with the residents and involve them in the process by presenting the Municipalities Integrated Development Plan to the residents' representatives. This plan includes more formal residential developments at Hoogenoeg and required the removal of the squatters. When the squatters refused to move voluntarily, the municipality obtained a court order that allowed the eviction of the squatters and the demolition of their houses within 72 hours.

According to Mr Davies, who requested permission to represent all the evicted families, a joint task team meeting was held in an attempt to find a negotiated solution. However, since the meeting the municipality had done nothing to resolve the situation.

The entire saga began when the municipality distributed a notice for the squatters to vacate their premises in February 2002. Mr Davies then approached the Rhodes Legal Aid Clinic for help. This was the beginning of a long and arduous journey to find legal assistance. After several failed attempts to secure counsel, their case was





*Clients resettled in their new homes.*

finally taken on by an attorney who came to Hoogenoeg to hand out copies of the Notice of Motion:

*He said he could represent us and asked for a deposit of R500.00. On 10 March 2002 we held a meeting in the camp to discuss what to do about the eviction application. We decided to accept the services of the attorney and an amount of R500,00 was collected. We also elected a committee to deal with the issue. On 12th March I spoke to the attorney and instructed him to represent us. He said he would enter into discussions with the municipality to resolve matters and would report back to us in due course.*

*We did not hear anything more until he came to visit me at my home on 15th April. I was not at home but went to see him at his offices the next day, together with members of the committee. He handed me a notice stating that he was withdrawing as our attorney and that there was nothing further he could do for us. He also stated that we would have to move to the transit camp.*

*Although we knew that the matter was going to be heard in court on 18th April we thought that the attorney would deal*

*with this and inform us that we should be present. We only knew that the eviction order was granted unopposed when we were later told by the LRC, who became our attorneys.*

*I therefore feel that we should not be blamed for the eviction application being undefended. The application involved people with little or no formal education and no access to resources. We did not get a written notice of the eviction, including the date on which the municipality was going to move us. The Court granted the eviction order without making enquiries about why we did not have an attorney to represent us.*

The squatters finally approached the Legal Resources Centre for help. The LRC, after consulting with the Hoogenoeg squatters, made an urgent application to the Grahamstown High Court to have the eviction order set aside.

The municipality offered the squatters accommodation in a transit camp; this was a temporary housing provision that would only be available until they could make

more permanent arrangements. According to Mr Davies this offer was refused for various reasons:

*Although the transit camp is only 2 kilometres from the original site that we were living in, people who walk to work, school and clinics now have to walk an extra 4 kilometres. The sites pegged in the camp are too close together and this will lead to overcrowding and will create a fire hazard. There are only two communal taps in the transit camp to serve the needs of 418 households and there are no other services provided by the municipality. There are also 2 dams in the area and this will be dangerous for children.*

Rufus Poswa was closely involved in the negotiation between the municipality and the squatters. He states:

*The Municipality agreed to settle out of court but it was difficult to convince the clients that they should negotiate. Because the eviction procedure had been unlawful, the clients were distrustful and found it hard to believe that we had their best interests at heart. We held many meetings late into the night and advised them to apply for RDP houses. They were*



*Building a house.*

*quite determined not to move. They wanted the municipality to improve conditions for them where they were. However, this was impossible as the area was going to be developed. The clients thought that we were preaching to them and that we were on the side of the municipality. Their anger has 2 sources – ignorance of how the law unfolds, and utter frustration at not being able to access housing 10 years after democracy.*

*It was definitely a give and take situation. You need to give them what they want in order to get what you want. The municipality was open to negotiation but felt threatened because they did not understand the law. Eventually an agreement was reached and the municipality provided trucks to move the clients. Tents were*

*given to them as temporary accommodation because they were unable to reconstruct their houses in a single day.*

*They were grouped and were able to relocate in these groups. Staggering the move gave them enough time to help each other to build their houses. They have running water but no sanitation. The children were resettled in schools.*

According to LRC attorney **Mzu Maseti:**

*This case sought to raise, amongst other things, that when a person in charge of an organ of state is evicting unlawful occupiers, it must follow the procedural and substantive provisions set out in Section 4 of The Prevention of Illegal Eviction and Unlawful Occupation Of Land Act 19 of 1998 (PIE). The procedural*

*requirements laid down in the Supreme Court of Appeal decision of Killarney Property Investments (Pty) Ltd vs Mahamba and Others also applies to applications for eviction from residential premises. This judgment, delivered in Cape Town, was a landmark case that informed our case here in Grahamstown. An important point that was raised was that when a judicial officer grants an eviction order he or she must take into account all relevant circumstances and special consideration should be given to the rights of the elderly, children, disabled persons and particularly households headed by women, and that it should be recognised that the needs of these groups should be considered.*



# Southern African Legal Development Project

With funding provided by the Canadian International Development Agency, the Legal Resources Centre (LRC) and the Canadian Bar Association (CBA) have been partnering in a regional development project since April 1999.

The Southern African Legal Development Project is an extension of the first phase of the Canada-South Africa LRC/CBA Constitutional Litigation Unit Project. The first phase of the project focused on providing support to the Constitutional Litigation Unit of the LRC to pursue their work in the Constitutional Court of South Africa. In the second phase of the project a new component was included. This regional component, known as the Southern African Legal Development Project, supports the Southern African Legal Assistance Network (SALAN) – a regional network of non-profit, non-governmental public interest law centres based in SADC countries. SALAN advocates for the rights of the poor, disadvantaged and marginalised through:

- providing legal services;
- engaging in public legal education;
- participating in law reform and policy change; and
- undertaking public interest litigation.

The SALAN was formed in 1994 to encourage dialogue around human rights issues in Southern Africa. The goal is to strengthen members in their national arena and to increase the network's capacity to contribute to the development of a culture of human rights in the region.

The regional component of the LRC/CBA program provided support for a regional co-ordinator based in the LRC National Office to implement three components: the introduction of information technology to member offices in the SALAN, to manage ten interns on short term placements in the LRC each year and to organise an annual workshop on an area of priority as identified by SALAN member organisations.

During the period of this annual report eight interns from Lesotho, Mozambique, Zanzibar, Zambia and Zimbabwe successfully completed internships with the LRC and one LRC staff member also completed an internship with the Zanzibar Legal Service Centre. In November 2002 a capacity building workshop on *Proposal and Report Writing for Donors* was held in Johannesburg for members of the SALAN Network. These yearly internships and workshops have developed important professional links between the organisations.

During the period several additional components have been developed within the regional project:

- A website was developed for the SALAN ([www.salan.org](http://www.salan.org)); and
- four cross-border projects on substantive issues were developed as follows:

## **Woman's Rights Under Civil and Customary Law**

This project focused on the status of women in Lesotho under matrimonial property regimes based on civil and customary law. A cross-border collaboration was developed between Lesotho and South Africa.

## **Refugee and Asylum Seekers**

This project has begun to document the main issues surrounding refugee and asylum seeker's rights. The educational component informs officials, refugees and the community at large of their rights and obligations under international and domestic statutes. A partnership between Zambia and South Africa exists.

## **HIV/Aids**

In this project research around the social issues related to HIV/Aids is being conducted, especially in the areas of state security for people living with Aids and social security to address the needs of child-headed households. Namibia and South Africa collaborate on this project, with input from the other regional organisations.

## **Access to Justice**

This project focuses on the role that paralegals play in their communities. During March 2003 a training workshop was held for paralegals in Zambia. The workshop addressed the issues of conflict resolution, peace building and community mobilisation and was attended by paralegals from six of the SALAN member organisations.

# Fundraising Report

1 April 2002 – 31 March 2004

## Total cash donations received

During the period covered by this report, the position of fundraising director at the LRC was vacant. Despite vigorously embarking on recruitment procedures, the position was only filled in January 2003, almost 2 years later. This resulted in the overall income decreasing from R32.2 million to R23.8 million which represents a 29% decline in income to the LRT.

What has exacerbated this decline is the steady appreciation of the South African Rand. In the previous reporting period the Rand had declined to a great extent, resulting in approximately R4.2 million in surplus funding. During the 2002/2003 fiscal year the opposite is true. The Rand's appreciation in value has resulted in grants being converted to Rands at a lower rate, with a resultant decline in income for the LRC.

## Cash donations from foreign sources

Foreign funding sources still support the LRT quite generously and comprise the bulk of our income. Funding from these sources amounted to R23.5 million for the fiscal year – comprising nearly 99% of our total income. This compares to 98% in the year before.

## Cash donations from local sources

Donations from local sources amounted to R 238, 831. This represents a 42% decline from last year's total. Processes are being put in place to increase local donations by 5 –10% during the next reporting period.

The importance of building our local donor base is vital as it demonstrates to our foreign donors that other South Africans are committed to the work of the LRC. Foreign donors are keen to see local companies investing in non-governmental and community based organisations. The LRC and NGO partners are actively involved in encouraging government to create a more favourable tax climate that will enable local corporates and individuals to contribute to the sustainability of civil society.

## Contributions to the LRC by country

Government donors, foundations and individuals from ten countries contributed to the LRT during the year under review.

Our major donors this year are The Atlantic Philanthropies, Danish International Development Agency (DANIDA) and the Canadian International Development Agency (CIDA) / Canadian Bar Association (CBA).

We also received grants from Europe, including assistance from Germany, Belgium, Sweden, Denmark and Luxembourg and others. Many of these benefactors have been contributing to the LRT on a regular basis.

We are also grateful to the Legal Assistance Trust (LAT) in the United Kingdom, the Southern African Legal Services and Legal Education Project (SALSLEP) in the USA and the Canadian Bar Association (CBA) in Canada for the support they provided us through their partnership with the LRT. They continue to provide a valuable service in securing foreign funding for the LRT.

## New grants for the LRC

During this period R2 million worth of new grants were signed by the LRC. While this represents a significant decline from the R22 million worth of grants signed during the previous fiscal year, it must be noted that the position of financial director was vacant.

In addition proposals worth R11 million were developed and submitted to donors.

## Conclusion

As the fundraising report for the previous fiscal period states, it is important to assess the donor community, which is subject to great volatility. The LRT has had first hand experience of this and it is therefore necessary to increase fundraising efforts to ensure that the LRT has sufficient funds available to support the LRC during such downtime. It also important to stress that the South African donor community needs to play a greater role in supporting organisations such as the LRC and other organisations in civil society.



# Legal Resources Trust Financial Statements

for the year ended 31 March 2003

## Trustees' approval of the annual financial statements

The trustees are responsible for monitoring the preparation and the integrity of the financial statements and related information included in the annual report.

The financial statements are prepared in accordance with the stated accounting policies and incorporate responsible disclosure in line with the accounting philosophy of the Legal Resource Trust. The financial statements are based on appropriate stated accounting policies consistently applied and supported by reasonable and prudent judgements and estimates.

The trustees believe that the Legal Resources Trust will be a going concern in the year ahead. For this reason they continue to adopt the going concern basis in preparing the financial statements.

NB – What follows is an abridged version of the audited financial statements. A full copy is available upon request from the LRC National Office

## Report of the independent auditors

To the trustees of Legal Resources Trust

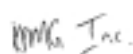
We have audited the financial statements of Legal Resources Trust set out on pages 3 to 15 for the year ended 31 March 2003. These financial statements are the responsibility of the trustees. Our responsibility is to express an opinion on these financial statements based on our audit.

**Scope** We conducted our audit in accordance with statements of South African Auditing Standards. Those standards require that we plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement. An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

We believe that our audit provides a reasonable basis for our opinion.

**Audit opinion** In our opinion, the financial statements fairly present, in all material respects, the financial position of the Legal Resources Trust at 31 March 2003 and the results of its operations and cash flows for the year then ended in accordance with generally accepted accounting practice.



KPMG Inc.  
Registered Accountants and Auditors  
5 September 2003

## 1. Accounting policies

for the year ended 31 March 2003

The financial statements are prepared on the historical cost basis, except for land and buildings carried at revalued amounts and investments carried at fair value. The financial statements incorporate the following principal accounting policies, which are consistent with those adopted in the previous financial year.

### 1.1 Income

Income comprises donations, investment income and other non-operating income. Donations are brought to account as and when received and banked.

### 1.2 Land and buildings

Land and buildings are stated at valuation, and are revalued by sworn appraisers at least once every three years using the open market value basis in continuation of existing use for land and buildings.

Any surplus on valuation, in excess of net book value, is transferred to a revaluation reserve. Surpluses on revaluation are recognised as income to the extent that they reverse revaluation decreases of the same assets recognised as expenses in previous periods. Deficits on revaluation are charged directly against the revaluation reserve only to the extent that the decreases do not exceed the amount held in the revaluation reserve in respect of that same asset. Other deficits are recognised as expenses.

Depreciation is not provided on land and buildings.

### 1.3 Financial instruments

#### Measurement

Financial instruments are initially measured at cost, which includes transaction costs. Subsequent to initial recognition these instruments are measured as set out below.

#### Investments

Listed investments classified as available-for-sale financial assets are carried at market value, which is calculated by reference to stock exchange quoted selling prices at the close of business on the balance sheet date. Unlisted investments are shown at fair value, unless their fair value cannot be reliably determined, in which case they are shown at cost less accumulated impairment losses.

Dividends are accounted for on the last day of registration in respect of listed investment and when declared in respect of unlisted investments. On disposal of an investment the difference between the net disposal proceeds and the carrying amount is charged or credited to the income statement.

## Balance Sheet

at 31 March 2003

	Notes	2003 R	2002 R
<b>ASSETS</b>			
<b>Non-current assets</b>			
Land and buildings	2	521 675	521 675
Investments	3	26 271 157	26 634 115
<b>Current assets</b>			
Bank and cash		6 751 010	8 718 245
<b>Total assets</b>		<b>33 543 842</b>	<b>35 874 035</b>
<b>EQUITY AND LIABILITIES</b>			
<b>Capital and reserves</b>			
Trust capital	4	250	250
Revaluation reserve	5	618 359	2 805 718
Special endowment reserves	6	1 709 294	2 197 768
General reserve	7	31 082 789	29 757 548
<b>Current liabilities</b>			
Accounts payable		133 150	1 112 751
<b>Total equity and liabilities</b>		<b>33 543 842</b>	<b>35 874 035</b>

## Income Statement

for the year ended 31 March 2003

	Note	2003 R	2002 R
<b>Income</b>	8	<b>26 524 476</b>	33 572 625
Operating expenses		346 443	99 513
Surplus from operations	9	26 178 033	33 473 112
Transfer to Legal Resources Centre		(26 341 266)	(23 023 279)
<b>(Deficit)/surplus for the year</b>		<b>(163 233)</b>	10 449 833

# Legal Resources Centre Financial Statements

for the year ended 31 March 2003

## Local Donations

Adv L J Bozalek	R 1,000.00
Advocate A J Nelson	R 1,200.00
Anonymous	R 27,925.46
Bass Gordon Willis Braam	R 2,000.00
Betty & Pete Suzman Charitable Trust	R 20,000.00
CLAHR	R 4,900.00
Cliffe Dekker Inc.	R 1,250.00
Consol Ltd	R 2,000.00
Deneys Reitz	R 5,000.00
Dr N H Mottlana	R 18,000.00
Duma Nokwe Award	R 10,000.00
E G Woods Will Trust	R 3,000.00
Eric Samson	R 1,000.00
Foschini Services	R 3,500.00
Frank Robb Charitable Trust	R 60,000.00
General Counsel of the Bar	R 10,000.00
Illovo Sugar Ltd	R 1,300.00
Israel South Africa Foundation	R 2,500.00
J J Fagan	R 1,500.00
Justice CT Howie	R 1,000.00
Knowles Husain Inc	R 5,000.00
Kurt & Joey Strauss Foundation	R 19,000.00
M Sellgson	R 2,000.00
Nathan Bearman Foundation	R 1,000.00
P A Bracher	R 1,000.00
Sappi	R 20,000.00
UWC Teaching Tokai	R 6,000.00
Vincent Saldanha	R 1,250.00

**R 238, 831.44**

## Foreign Donations

Atlantic Philanthropies	R 4,561,046.40
Belgian Agebct for Dev Co-op	R 1,780,128.38
C S Mott Foundation	R 635,070.00
CIDA – Canadian Bar Association	R 3,906,869.27
CWCI (Inact Workshop)	R 68,681.18
DANIDA	R 5,804,904.75
EED (EZE)	R 1,928,405.01
Forum Natureza em Perigo	R 25,625.00
Gatsby Charitable Trust	R 1,709,091.56
Grand Dutchy of Luxembourg	R 878,650.00
ICJ Swedish Section	R 1,463,114.00
LAT (on behalf of Comic Relief)	R 562,650.01
Save the Children – Sweden	R 300,000.00
Swiss Agency for Dev & Co-op (SDC)	R 1,975.00

**R 23,626,210.56**

### LESS THAN R 1000

H J Barker, Judge E Cameron, Community Association for Restitution of Land, Duke Pilgrimage of Pain and Hope, A Gildenhuys, Judge L I Goldblatt, Dr K Kauffman, Advocate J C Krieglner, P C Pauw, B P Rabinovitz, M S Stegmann, B R Southwood, Tom Winslow.

## The Executive Committee's approval of the financial statements

The Executive Committee is responsible for monitoring the preparation and the integrity of the financial statements and related information included in the annual report.

The financial statements are prepared in accordance with the stated accounting policies and incorporate responsible disclosure in line with the accounting philosophy of the Legal Resources Centre. The financial statements are based on appropriate stated accounting policies consistently applied and supported by reasonable and prudent judgements and estimates.

The Executive Committee believes that the Legal Resources Centre will be a going concern in the year ahead. For this reason the committee continues to adopt the going concern basis in preparing the financial statements.

The Legal Resources Centre has successfully applied for registration as a nonprofit public benefit organisation on 22 November 2002 in terms of the Nonprofit Organisations Act, 1997 (Act 71 of 1997).

NB – What follows is an abridged version of the audited financial statements. A full copy is available upon request from the LRC National Office

## Report of the independent auditors

To the Executive Committee of Legal Resources Centre

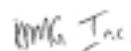
We have audited the financial statements of Legal Resources Centre set out on pages 3 to 10 for the year ended 31 March 2003. These financial statements are the responsibility of the Executive Committee. Our responsibility is to express an opinion on these financial statements based on our audit.

**Scope** We conducted our audit in accordance with Statements of South African Auditing Standards. Those standards require that we plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement. An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

We believe that our audit provides a reasonable basis for our opinion.

**Audit opinion** In our opinion, the financial statements fairly present, in all material respects, the financial position of the Legal Resources Centre at 31 March 2003 and the results of its operations and cash flows for the year then ended in accordance with generally accepted accounting practice.



KPMG Inc.  
Registered Accountants and Auditors  
5 September 2003

## 1. Accounting policies

for the year ended 31 March 2003

The financial statements are prepared on the historical cost basis. The financial statements incorporate the following principal accounting policies, which is consistent with that adopted in the previous financial year.

### 1.1 Property, plant and equipment

Property, plant and equipment is stated at historical cost less accumulated depreciation, and impairment losses.

Depreciation is provided on the straight line basis, over the estimated useful lives of non-current assets. The annual rates used for this purpose are –

Furniture	10%
Leasehold improvements	10%
Motor vehicles	20%
Office equipment	10%
Computer equipment	20%
Other	10%

## Balance Sheet

at 31 March 2003

	Note	2003 R	2002 R
<b>ASSETS</b>			
<b>Non-current assets</b>			
Property, plant and equipment	2	1 370 637	1 532 611
<b>Current assets</b>			
Accounts receivable		1 104 204	1 377 456
Client trust funds	3	914 209	538 133
Bank and cash		2 168 418	1 089 005
<b>Total assets</b>		<b>5 557 468</b>	<b>4 537 205</b>
<b>EQUITY AND LIABILITIES</b>			
<b>Reserves</b>			
Accumulated funds		3 303 982	1 517 317
Asset replacement reserve	4	–	1 500 000
		<b>3 303 982</b>	<b>3 017 317</b>
<b>Current liabilities</b>			
Accounts payable		1 295 362	956 054
Client trust funds	3	914 209	538 133
Bank overdraft		43 915	25 701
<b>Total equity and liabilities</b>		<b>5 557 468</b>	<b>4 537 205</b>

## Income Statement

for the year ended 31 March 2003

	Note	2003 R	2002 R
Income	5	27 319 911	23 558 343
Interest received		3 773	13 902
<b>Gross income</b>		<b>27 323 684</b>	<b>23 572 245</b>
Operating expenses		26 037 019	23 083 308
<b>Surplus for the year</b>	6	<b>1 286 665</b>	<b>488 937</b>

# LRC Directors and Staff

## NATIONAL OFFICE

**Vincent Saldhana** – *Acting National Director*

Makgomo Bashele  
Martha Bopape  
Cyrenne Christodoulou  
Zunaid Dada  
Michael Gcwabaza  
Moffat Khumalo  
Tshidiso Konese  
Bongani Majola  
Susan Mazabane  
Kedumetsi Mokhampanyane  
Alex Msitshana  
Derric Reid  
Irene Sigwili  
Peter Thuynsma  
Esme Wardle

## CONSTITUTIONAL LITIGATION UNIT

**Geoff Budlender** – *Director*

George Bizos  
Zanu Galiel

## JOHANNESBURG

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Nomfundo Gobodo  
Moray Hathorn  
Emma Lecheko  
Topsy Mackenzie  
Pinky Madlala  
Makgomo Maenetje  
Martha Mahlope  
Didi Maimane  
Nkele Mashiloane  
Refilwe Mathabathe  
Achmet Mayet  
Constance Mogorosi  
Lenkwe Mokhele  
Tumi Mokoka  
Josephine Mokwebo  
Mavis Naidoo  
Guguleto Ndenge  
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Nosipho Nkomo  
Patrick Pringle  
Neerasha Singh  
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## PRETORIA

**Charles Pillai** - *Director*

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Louise du Plessis  
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Esther Khoza  
Mpho Koloko  
Mathews Mojapelo  
Bethuel Mtshali  
Ellen Nicol  
Poppy Ntshabele  
Stephen Ralekwa  
Isabella Rangata  
Beulah Rollnick

Sabina Segole  
Mandla Skosana  
Asmita Thakor  
Ingrid Wlotzka  
Sarah Zimbaya

## DURBAN

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Sue Clarke  
Phumzile Hloshana  
Sheldon Margardie  
Mzo Mdladhla  
Emmanuel Mdlalose  
Nompumelelo Mkhize  
Gugu Mncwabe  
Thabisile Mngoma  
Asha Moodley  
Cathy Mote  
Raphael Mthembu  
Pushpa Naidu  
Thanisa Naidu  
Mbali Ndawo  
Sibonelo Ndlovu  
Adrian Pole  
Taryn Powys  
Ranjit Purshotam  
Sharita Samuel

## GRAHAMSTOWN

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Mark Euijen  
Cathy Fullarton  
Ethel Libi  
Mzuphela Maseti  
Beauty Nortje  
Rufus Poswa  
Thabita Qangule  
Sarah Sephton  
Nomfundo Somandi

## CAPE TOWN

**Chantel Fortuin** – *Acting Director*

Mushahida Adhikari  
Desiree Africa  
Pam Allen  
Angela Andrews  
Anthea Billy  
Maggie Carolissen  
Gregory Daniels  
Naomi Davis  
Thandiwe Gebengane  
Ncunyiswa Hans  
Seeham Johnson  
Steve Kahanovitz  
William Kerfoot  
Sthembile Maneli  
Farouz Marquard  
Bongeka Matshabane  
Nhikiza Matshaya  
Thami Mbatha  
Seydwell Mketsu  
Ashraf Mohamed  
Soraya Murphy  
Noluthando Ntlokwana  
Kobus Pienaar  
Mable Sajini  
Henk Smith  
Ricardo Wyngaard  
Jabulile Zimema  
Shamiso Zinzombe

# Patrons and Trustees

## PATRONS

Sir S Kentridge QC SC  
Mr David Sampson  
Mr Justice JJ Trengrove  
Most Hon Rev D Tutu

## TRUSTEES

Adv Lee Bozalek  
Prof Harvey Dale  
Mr Justice Yusuf Ebrahim  
Prof Michael Katz  
Lady Felicia Kentridge  
Mr Jody Kollapen (*Chairperson*)  
Mr Raisaka Masebelanga  
Ms Bongzi Mkhabela  
Mr Justice Dunstan Mlambo  
Mr Justice Lex Mpati  
Mr Justice Mohamed Navsa  
Mrs Thandi Orleyn  
Mr Derric Reid  
Mr Richard Rosenthal  
Mr Vincent Saldanha (*Ex-officio member*)  
Dr Franklin Sonn

# How to contact the LRC

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## LRC partners abroad

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Legal Assistance Trust (LAT)  
PO Box 104, East Grinstead, West Sussex RH19 4YB, United Kingdom  
Telephone 44 1342 410 595, Fax 44 1342 313 030, E-mail [latforsa@lat.co.uk](mailto:latforsa@lat.co.uk)

Canadian Bar Association  
Suite 902, 50 O'Connor Street, Ottawa, Ontario K1M 1N8, Canada  
Telephone 1 613 237 2925, Fax 1 613 237 0185, Website: <http://www.cba.org>



**HOW TO CONTACT  
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