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## Intro

ProBono.Org moves into 2013 with a great staff complement of committed attorneys, some like Sharon Pillay, who have been here for five years, others who

have recently joined. Our work thrives because of the commitment of our attorneys, interns and volunteers. We thank them for their commitment.

## A gathering of people focused on housing



*Housing Day. Justice Cameron*

This special gathering took place on a beautiful sunny day at the Women's Jail Atrium at the Constitution Hill. Large numbers of people turned up to obtain pro bono legal assistance and receive education and advice at an event organised by ProBono.Org to coincide with UN World Habitat Day, which is normally celebrated on the first Monday of every year of October. Justice Edwin Cameron opened the proceedings by focussing on the section 26 right to adequate housing that is enshrined in the South African Constitution. After speaking at length about some of the key Constitutional Court housing judgements, and relating them to current housing issues, he re-iterated the 51 Olivia Road v City of Johannesburg and Blue Moonlight case which held that in the event of an eviction the government should engage with the affected individuals in a meaningful manner in order to find a solution.

ProBono.Org staff, volunteers, attorneys and mediators worked together to provide clients with much needed legal advice and representation on different matters during the day. As the day progressed, the Woman's Jail Atrium proved too small for the number of people who attended.

73 individuals came to receive legal assistance on matters relating to evictions, landlord and tenant disputes, the transfer of property arising from deceased estates, bond queries, housing subsidies, bank repossession of property, title deed queries, division of estate upon divorce matters and 99 year leaseholds.

ProBono.Org would like to recognise and thank the attorneys, and mediators for their generous pro bono contributions on the day. We would also like to thank the various NGOs for their participation.

# Transsexual Lallu uses the Equality Court

The Eversheds Pro Bono department represented two transgendered clients who were being discriminated against, on the basis of their sexual orientation by their neighbours in a townhouse complex. Probono.Org referred the clients and our mandate was to institute a claim in the Roodepoort Equality Court for damages

arising from the alleged harassment, which caused the clients to terminate their lease agreement and relocate. Magistrate Thobela handed down judgment on Friday 28 October 2012 in favour of our clients. He held that the harassment of the complainants' amounted to "hate speech", discrimination and a violation of their basic human rights. He awarded them

damages, which comprised of the costs for emotional counseling, the costs of terminating their lease, and the relocation expenses inclusive of transport costs. He further awarded compensation for general damages for *contumelia* and harassment.

The respondents have appealed against the sentence.

## Musina collaboration to assist migrants

On 30 November 2012, ProBono.Org hosted an Information Session on the rights of undocumented migrants and unaccompanied minors entering Musina through the Beitbridge Border Post.



*N.Mashawana, T. Dzombe, M. Mulauzi and M. Dzivhuluwani at Musina Workshop*

Naseema Fakir and Michael Power of the Legal Resources Centre facilitated this workshop, which was held in Musina in the Limpopo Province. Michael took participants through a comprehensive exposition of the applicable law and procedure around issues of status determination, lawful detention, the 14-day transit permit and places of safety for undocumented migrants and unaccompanied minors. Having extensive experience in litigating on behalf asylum seekers who have been denied their basic rights in terms of the applicable refugee law, Naseema and Michael were also able to provide a practical insight into the conditions at the Lindela Detention Centre in Krugersdorp, where undocumented migrants are held pending deportation. This partnership between ProBono.

Org's Community Advice Office Support Project and the LRC is aimed at forging a collaborative effort between attorneys, Community Legal Advice Offices, the Department of Home Affairs, the Department of Social Development, SAPS, Legal Aid South Africa, Lawyers for Human Rights, the UNHCR, and various civil society organisations in and around Musina to assist in alleviating the current situation. The reality is that up to 120 undocumented migrants enter Musina almost daily, and unfortunately the prescribed procedure is not always adhered to, sometimes resulting in gross human rights violations. A follow up workshop will be held during the early part of 2013 to consolidate the discussions and way forward proposed at this initial information session.

▶ See interesting article on BEE compliance and pro bono legal services by Odette Geldenhuys on [www.probono.org.za](http://www.probono.org.za)

# Creation of a pro bono culture in order to realise access to justice



Anthony Stern

**W**ith six years years of hindsight, ProBono.Org was established in October 2006; and looking forward to a new year, it is an appropriate time to re-affirm our overall goal, viz. the creation of a pro bono culture in order to realise access to justice.

The journey has been a shared one, with partners such as the organised legal profession and legal NGOs contributing greatly towards the fulfilment of this goal. Moving into the future, we keenly anticipate ways in which our existing partnerships with Legal Aid South Africa and the South African Human Rights Commission, and cooperation with the

Department of Justice and Constitutional Development can enhance the pro bono culture within the legal profession. With these stakeholders, and obviously the many law firms and advocates committed to pro bono work, we believe that the following long-term goals are achievable:

- There is a cadre of pro bono champions
- A permanent service that matches users and providers of pro bono legal work is provided
- Resources are allocated for pro bono work and a disbursement fund is operational
- The institutional framework is enabling of pro bono work

## The power of the pro bono network

**E**arly on a Thursday morning an attorney in the Durban offices receives an urgent SMS from a friend of ProBono.Org – a young man has a problem and needs a pro bono attorney now. The young

man in question lives in Johannesburg. As fate would have it (Murphy's Law?), the Johannesburg ProBono.Org attorneys had no capacity on that day. On the basis of a few telephonic consultations and numerous scanned

documents, a brief was drafted, and by 6 pm on the same day Sean Snyman of Snyman Attorneys in Johannesburg had contacted the client.

► **The issue: under that circumstances are a restraint of trade fair and enforceable? Watch this space.**

## 16 Days of Activism – a day in Meadowlands



Attendees 16 days of activism

**O**n 5 October 2012 ProBono.Org in partnership with Community of the Victim Support held a workshop that was aimed at empowering women on domestic violence. The workshop was held at the Community Hall in Meadowlands. 52 people attended.

The presenter was Amanda van Loggerenberg from Wynand Du Plessis Inc. She explained that domestic violence includes physical, emotional, verbal, and financial abuse as well as intimidation and threatening behaviour.

She thereafter explained that it is important to note that courts do not permit any form of abuse. It is best to set out in detail exactly what

happened as it helps the courts to get a clear picture of the matter. Children can be included in the protection order, if the abuser is extending the abuse to the children.

She informed the attendees that a protection order is only effective once it has been served on the respondent by either the sheriff or the police. On the first appearance an interim order is granted with a return date. On the return date the respondent will be given an opportunity to respond to the allegations of domestic violence.

After explaining the procedures associated with obtaining the protection order, community members posed questions in order to obtain a clearer understanding of their rights in terms of the said Act.

# Staff changes at Probono.Org

## New National Director



Erica Emdon

Erica Emdon, after a successful run as Advancement Director has been appointed as the new National Director. We wish her all

the best in this position and we are confident that under her leadership the organisation will continue to flourish.

## Johannesburg staff changes

In Johannesburg while we welcome our new staff, we say a sad goodbye to **Kisha Candasamy** and **Kundi Ramashia**. Kisha joined ProBono.Org in August 2010 as the Head of General Law while Kundi began managing the Community Advice Office Support Project in October 2011. Kisha has joined the South African Human Rights Commission, and Kundi is starting up her own family mediation practice.

**Annelie Du Plessis** joined ProBono.Org as a Staff Attorney in November, 2012. Annelie has a long human rights



Annelie Du Plessis

background, having joined Lawyers for Human Rights in Stellenbosch in 2007, where she worked in the Security of Farm Workers Project, focusing on land, housing, evictions and socio-economic issues on farms. She and her family recently relocated to Johannesburg.



Matthew Du Plessis

**Matthew Du Plessis** who has been appointed to supervise the Community Advice Office Support Project also hails from a human rights organisation background. He completed his LLB at the University of Pretoria, after which we worked at the Legal Resources Centre, Johannesburg.

## Durban staff changes

Durban recently said farewell to **Anthony Sterne**, whose tireless energy will serve the wholesale sector and

**Lungelo Magubane** who joins Norton Rose. **Margaret Strike** moves on as well, to the Legal Resources Centre.



Nomagugu Ngubane

We warmly welcome **Nomagugu Ngubane** who has an impeccable NGO background having served her articles at the Association For Rural Advancement's (AFRA) law clinic.



Shahista Khan

**Shahista Khan**, another new addition to the Durban office, came from Lockhat & Associates, which specialises in immigration law. Shahista has started an LLM in private law with UNISA. She is excited to be part of an organisation, which deals with public interest matters.

## ProBono Law

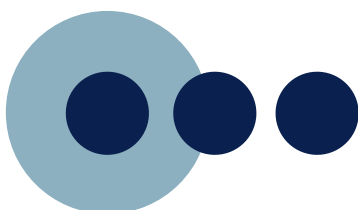
**D**uring 2012 we continued to air our fortnightly constitutional law radio programme on Radio Today.

This show that takes place every second Thursday at 18h30 has been highly successful with many expert guests including Dr Ann Skelton, Adv Michelle Le Roux, Stuart Wilson, Dario Milo,

Tembeka Ngcukaitobi, Anton Du Randt, Ceri Von Ludwig, Vlad Movshovich, Reghana Tulk, Lwanda Xaso, David Cote, David Bilchitz, Neil Kirby, Nicole Fritz, Priti Patel, Emma Sadleir, Prof Richard Calland, Alex van den Heever, Zaid Gardner, Greg Palmer and Dr Dale McKinley.

Patrick Bracher of Norton Rose is the host and continues to use his excellent legal skills to draw out the constitutional issues raised by our experts.

► **We are starting the programme for 2013 on 14 February 2013. Podcasts from 2012 are available on our website [www.probono.org.za](http://www.probono.org.za).**



ProBono.Org

Pro law for all

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