

## Intro

ProBono.Org finds that in addition to our clearinghouse project, which gives attorneys an opportunity to do pro bono matters through referrals from us, our clinic model serves a critical role in our work both for lawyers, and also for the people we serve. The legal clinics, also called help desks, enable attorneys an opportunity to do pro bono work by staffing them on a roster basis, while at the same time allowing ProBono.Org to offer a specialised service to people that need legal assistance. Many of our clinics and help desks run from our offices in Durban and Johannesburg, but a number operate "off shore" closer to the places where access is easier for poorer people who use our services.

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# ProBono.Org legal clinics and help desks



*Palm Ridge Magistrate's Court*

**We run legal clinics and help desks on every day of the week in Johannesburg and Durban**

### **Mondays:**

- Masters' Office Help Desk, Durban Master's Office
- Maintenance Help Desk, Roodepoort Magistrate's Court
- Maintenance Help Desk, Vanderbijlpark Magistrate's Court
- Family Law Help Desk (monthly), NISA Lenasia

### **Tuesdays:**

- Refugee Legal Clinic, Durban ProBono.Org Office
- Refugee Legal Clinic, Johannesburg ProBono.Org Office

- Labour Court Advice Office, Johannesburg Labour Court
- HIV/Aids Telephonic Helpline, Johannesburg ProBono.Org Office
- Environmental Law Telephonic Helpline, Johannesburg ProBono.Org Office
- Domestic Violence Help Desk, Randburg Magistrate's Court
- Thokoza General Law Help Desk, Thokoza Municipal Office
- Maintenance Help Desk, Roodepoort Magistrate's Court
- Maintenance Help Desk, Vanderbijlpark Magistrate's Court
- Police Brutality Legal Clinic (fortnightly), Johannesburg ProBono.Org Office
- Corporate Governance Legal Assistance for SMMEs (fortnightly), Johannesburg ProBono.Org Office
- Corporate Governance Legal Assistance for NPOs and PBOs (monthly), Johannesburg ProBono.Org Office

### **Wednesdays:**

- Labour Court Advice Office, Durban Labour Court
- Labour Court Advice Office, Johannesburg Labour Court
- Family Law Clinic, Johannesburg ProBono.Org Office
- Divorce Court Help Desk, Johannesburg Magistrate's Court
- Maintenance Help Desk, Palm Ridge Magistrate's Court
- Maintenance Help Desk, Vereeniging Magistrate's Court

- Refugee Legal Clinic (fortnightly), Pietermaritzburg NGO hub
- Masters' Office Help Desk, Johannesburg Master's Office
- Consumer Law Legal Clinic, Johannesburg ProBono.Org Office
- Thokoza General Law Help Desk, Thokoza Municipal Office

### **Thursdays:**

- Divorce Court Help Desk, Durban Magistrate's Court
- Labour Court Advice Office, Johannesburg Labour Court
- Domestic Violence Help Desk, Randburg Magistrate's Court
- Thokoza General Law Help Desk, Thokoza Municipal Office
- Maintenance Help Desk, Palm Ridge Magistrate's Court
- Maintenance Help Desk, Vereeniging Magistrate's Court
- Family Law Clinic, Johannesburg ProBono.Org Office

### **Fridays:**

- Consumer Law Legal Clinic, Durban ProBono.Org Office
- Housing Legal Clinic, Johannesburg ProBono.Org Office
- Family Law Help Desk (fortnightly) FAMSAs Soweto

### **Frequently:**

- Wills Project (Durban hospices and CBOs)
- Wills Project (Johannesburg hospices and CBOs)

# A day in the life of the Johannesburg Refugee Legal Clinic

The Refugee Legal Clinic hosted by ProBono.Org offices on Constitution Hill in Johannesburg receives some most distressing cases.

**T**he Refugee Legal Clinic that runs every Thursday at ProBono.Org's offices on Constitution Hill receives some most distressing cases. Having fled their native countries where they are frequently threatened with danger and even death, refugees arrive in South African and have to battle challenges with South African authorities, which, if unresolved, force them to return home, back to the hardships.

A recent clinic that was held on August 2, 2012 exemplifies the importance of providing free legal assistance. Two attorneys and a Candidate Attorney all from Bell Dewar dispensed advice.

They saw five people, each with a harrowing story to tell. In all cases, they were able to satisfy their clients and offer some respite. The first case concerned a young man, who was forced to flee from the Democratic Republic of the Congo (DRC) because his father, a political activist was arrested. It is common knowledge that the children of activists are themselves frequently arrested too, and the police sought him. He reached Johannesburg where he obtained temporary refugee status. This however expired, and when he applied for a renewal of his refugee status, his application was rejected on the grounds that he failed to prove his life was in danger in the DRC. The attorneys agreed to launch an appeal. They also wrote him a letter to protect him while he sought an immediate temporary renewal, as he was highly vulnerable to arrest without a permit. The second matter concerned an unemployed person from Angola who held refugee status and who applied, as was his right, for his status to be changed to permanent residence in

2010 as he had been here for five years. This application was denied, so he approached an attorney to appeal the decision. Having never been able to reach the attorney again, he approached ProBono.Org. The pro bono attorneys undertook to find out the status of the man's matter and take forward the appeal on his behalf.

A third man from the DRC came to seek advice pertaining to the refugee status of his wife. He himself is a legally recognised refugee, but she does not have papers. The two of them wish to move to Cape Town, but it is not safe for her to travel without refugee status.

*Although the attorneys could not solve the man's legal woes, he appeared heartened by the assistance and looked optimistic as he left the office.*

They were victims of incompetent administration having been to Home Affairs to register her under his permit. They were told on the day they went that the registration could not be printed that day and they must return to following day. When they did so they were told the official that assisted them was now on holiday for two weeks. When they went back they were told the printed papers had been lost. The attorneys at the clinic wrote two letters to Home Affairs. The first was a letter that the wife could present if the authorities stopped her; it would serve

to verify that she is registered in the system as a refugee joined under her husband's name, and merely lacks the printed permit. The second letter would be submitted to Home Affairs directly to request the prompt printing of the permit in support of any request made by the husband.

The fourth client was a man in his mid-twenties who originally fled from Somalia. His was an immigration matter so our attorneys could not assist. However one impediment to his immigration was that an interpreter had mistakenly written on his application to settle in the USA that he had committed a crime. The attorneys advised him to get a police clearance stating he had never committed a crime in South Africa. He left a very satisfied customer knowing he could clear his name.

The last client of the morning was a man who after fleeing the DRC, facing arrest there, was granted asylum for eight months, and was instructed to return to Home Affairs to obtain an extension after this period expired. He attempted to go back numerous times, and one time was issued a decision stating that his "document was bad." He was not told why the document was bad, and the official denied him access to the written decision. He was advised that he was entitled to see the written decision so he could appeal. The lawyers wrote a letter for him to take to Home Affairs explaining that he must be allowed to see a copy of the written decision.

By the end of the morning five people had been given some hope and had various options to follow to make their lives a little bit easier.

► **Join us on tour of Old Fort, Number Four, Women's Jail, Constitution Hill on 9 October 2012**

An exciting tour will be given between 3pm and 5pm on 9 October.

**For more information, email [erica@probono.org.za](mailto:erica@probono.org.za)**

► **Signing of recognised structure agreement with the KwaZulu-Natal Law Society**

30 August 2012 was a happy occasion in Pietermaritzburg when ProBono.Org signed its Recognised Structure agreement with the KwaZulu-Natal Law Society.

## Two cases from the Durban Refugee Legal Clinic:

### Princess's father



Princess  
(Gina Ndwalane,  
Independent Newspapers)

**W**hen Mr Mukisi from the DRC attended the Durban Refugee Legal Clinic he explained that his asylum application had been rejected, but that if he left South Africa, he would have to leave behind his two-year daughter, Princess. Princess's South African mother had died three months earlier. He had tried to marry her mother and had paid lobola. But Home Affairs had thwarted his efforts, as 'foreigners were not supposed to be marrying South African women'.

The pro bono lawyers at the clinic advised Mukisi that he was entitled to permanent residence because he had a South African child. He immediately went to Home Affairs to obtain the relevant forms, only to be turned away twice. A well-

motivated letter requesting an extension of the time, by which he had to leave the country in order for him to make the permanent residence application, was rejected without a reason. Advocate Sarah Jane Linscott of the Durban Bar successfully argued an urgent application that stayed his deportation. Justice Fikile Mokgohloa noted that the attitude of the Department of Home Affairs was appalling; and further noted that this case, as well as those of all individuals, should get their proper attention.

Mr. S was fearful that he would be arrested and deported when he went to Home Affairs, ProBono.Org helped...

### What is manifestly unfounded?

**M**r S's family ran a laundry business from their home in Uvira in the Eastern DRC. One day a group of soldiers brought uniforms for laundering. While the uniforms were hanging up to dry, the family was approached by a different group of soldiers who had spotted the uniforms. The family was accused of aiding the rebel forces, was 'arrested' and taken to a bush camp. There Mr S and his father watched the mother and sister being gang-raped and beaten to death with rifles. Mr S and his father were also beaten, but were left in the camp. They tried to escape - Mr S managed to, but his father was shot dead. Mr S made his way to South Africa where his other sister, and only remaining family member, lived.

Mr S is one of the numerous persons who arrive in South Africa with no English skills, whose asylum applications are irreparably prejudiced by translators who are corrupt, incompetent, or both. It was only when Mr S was informed that his asylum claim had been rejected as 'manifestly unfounded' that he came to realise that what was written down on his application, was not his story at all, but some muddled story about soldiers, stolen uniforms and arrests. ProBono.Org issued him with a letter requesting that he not be arrested and

explaining that given the volatility of the situation in eastern DRC, returning Mr S thereto would be "refoulement" and therefore a violation of our international obligations. Mr S informs us that this letter was disregarded by an official who laughed as he arrested Mr S.

Even a challenge by Edward Nathan Sonnenbergs did not lead to Mr S's release. Finally after ten days in jail, with assistance from ProBono.Org, he was released. AJ Eastes Attorneys is currently instituting a damages claim for unlawful arrest and detention. Advocate Sarah Linscott will undertake a judicial review of the rejection of Mr S's asylum application.



Mr Shukuru



# ProBono.Org Women's Day Event Johannesburg 2012



Women waiting for assistance

ProBono.Org opened 22 files on the day which will be referred to either a mediator or attorney on a pro bono basis.

The Women's Day Event held by ProBono.Org on 14 August 2012 was tremendously successful. Thanks to the gracious contribution of time provided by Wynand Du Plessis Inc, Bell Dewar, Natasha Moni Incorporated, Harris-Morgan Attorneys, Eversheds and Werksmans, in addition to staff and interns of ProBono.Org, more than fifty women were able to gain access to legal advice.

During the course of the morning and after lunch each of the women was given individual legal advice in the Lekgotla Room. At 13:00, Advocate Elizabeth Steenhuisen, gave an informative talk about the forfeiture of benefits upon divorce. The presentation was lively and animated, as Adv. Steenhuisen spoke about a wife and husband's relative contributions to the family money using a bowl of sweets to demonstrate. The participant women were armed with some very useful information about forfeiture of benefits by the end of the presentation.

The type of matters women brought on the day related to deceased estates, maintenance, recovery of a judgment debts, evictions, insolvency, domestic violence, property, debts, divorce, pension, wills, division of the joint estate upon divorce, care and contact of children, housing subsidies, medical negligence and transfer of property.

From the consultations 30 files were closed immediately as the matters lacked merit or clients were referred to appropriate bodies, such as the Master's Office and the Maintenance Court. In some cases the clients obtained judgment and required information relating to the execution of these. ProBono.Org opened 22 files on the day, which were referred to either a mediator or attorney on a pro bono basis.

ProBono.Org would like to thank all those that participated, and give special thanks to AngloGold Ashanti for the generous grant given to ProBono.Org for the event.

## Access to Justice Week Durban 2012

The Department of Justice and Constitutional Development's annual Access to Justice Week plays a pivotal role in informing the public of their rights and the laws they use to access them. Access to Justice Week is an opportunity for organisations that operate within, and in conjunction with, the legal system to interact with members of the public.

ProBono.Org Durban recently participated in this week at the Durban Magistrate's Court, from 27 - 31 August 2012. We set about inviting attorneys in private practice to volunteer an hour of their time. Following a flurry of telephone calls and emails, sufficient attorneys volunteered so as to have attorneys present throughout the week. ProBono.Org together with the Commission for Conciliation Mediation

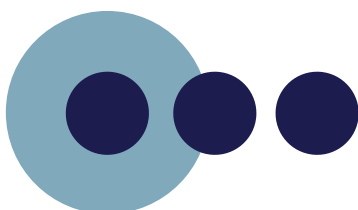
and Arbitration (CCMA), the provincial Department of Human Settlements (Rental Housing Tribunal), Legal Aid South Africa and representatives from the court's maintenance section were centrally located in the public thoroughfare of the Durban Magistrate's Court. All these bodies were afforded an opportunity to field questions and provide answers.

Interesting facts emerged during the week. For instance it was found that some employees did not know what the CCMA was!

ProBono.Org's participation would not have been possible without the generosity of the attorneys who gave selflessly of their time in order to consult with members of the public.

**We extend our sincerest gratitude to the following attorneys who volunteered:**

**Kelvin Walker** – Thorpe and Hands;  
**Thareshini Naidoo** – Woodhead, Bigby & Irving;  
**Vivekni Haribhai** – Hassan, Parsee and Poovalingam;  
**Pragashinee Pillay** – P. Pillay & Company;  
**Somila Sizani** – Woodhead, Bigby & Irving;  
**Siphiwe Moloi** – SD Moloi;  
**Kashifa Ussuph** – Jeff Bloch & Associates;  
**Prenella Naidoo** – Harkoo, Brijlal & Reddy;  
**Madoda Nxumalo** – Ngubane & Partners;  
**Amanda Ferneyhough** – Calitz Crockett and  
**Tarryn Lombard** – J.H Nicholson, Stiller & Geshen



ProBono.Org

Pro law for all

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