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# Human Rights Festival 2024

ProBono.Org participated in the annual Human Rights Festival at Constitution Hill from 21 to 24 March 2024. Our team was invited to share a stall with the Johannesburg Society of Advocates and Norton Rose Fulbright. The advocates and candidate attorneys from Norton Rose Fulbright joined by the interns from ProBono.Org spent the three days explaining the services they provide through ProBono.Org to the community members and visitors and reiterated their common purpose of making legal assistance accessible to all.

## Children's Project – Dialogue on Sexting

On 23 March 2024, ProBono.Org in collaboration with Media Monitoring Africa (Web Rangers), the Johannesburg Central Education District, the Gauteng Department of Social Development and the Teddy Bear Clinic facilitated a dialogue on sexting and the consequences that these internet grooming acts have on the lives of children. This discussion was meant to inform parents, teachers and community members of the dangers of the content consumed on social media and how it affects the lives of innocent children. They highlighted the challenges faced physically, mentally and psychologically.

The panellists reiterated the importance of these conversations for parents and teachers so that they are in a

position to protect children, especially girl children because they are the ones facing the stigma if a pregnancy occurs. They further discussed the rights that children have. Mrs. Daphne Naidoo from the Department of Social Development discussed the rights (with limitations) regarding access to contraceptives, access to facilities for termination of pregnancy and for child maintenance.●

To catch up on the dialogue, please visit our Facebook page: <https://www.facebook.com/ProBono.Org/>



# Acknowledging the Pro Bono Work of the Legal Fraternity

By Nicole Laljit, Regional Manager



## Durban Appreciation Day

ProBono.Org Durban hosted its Attorney Appreciation Day on 18 February 2024 to honour and celebrate the attorneys who go above and beyond for our clients. The event was an intimate and light-hearted evening filled with interaction and conversation. The evening kicked off with a welcome from the Regional Manager Nicole Laljit. This was followed by a keynote address by Candice Pillay from Norton Rose Fulbright, who engaged the legal practitioners on the importance and impact of pro bono services in the community. This address was followed by a virtual speech by Prof McQuoid-Mason, who reminisced on the early beginnings of street law and his current pro bono community initiatives. The awardees were as follows:

- **Most helpful attorney - Deceased Estates**  
Marian Venniker from Venniker Golding Attorneys.
- **Most helpful attorney - Housing**  
Venilla Govender from Meumann White Attorneys.
- **Most helpful attorney - Consumer Law**  
Shivani Phaulal from Legator McKenna Attorneys.
- **Most helpful attorney - Family Law**  
Busani Ngcongco from NEB Attorneys.

- **Most helpful attorney - Labour**  
Thulisiwe Ngcobo from Daly Morris Fuller Attorneys.
- **Most helpful attorney - Refugee Law**  
Mellisha Hurchund from Mellisha Hurchund Attorneys.
- **Most helpful attorney - Wills**  
Netisha Panalall from Netisha Panalall Attorneys.
- **Chatsworth Help desk**  
Candice Pillay from Candice Pillay-Chetty and Associates.
- **Community Engagement**  
Unathi Dlamini from Shepstone and Wylie Attorneys.
- **Attorney Training and Webinars**  
Candice Pillay from Norton Rose Fulbright Inc.

A special appreciation award went to Nike Pillay from Nike Pillay Attorneys for his unwavering support and mentorship provided to the Durban office.●

# Johannesburg Awards Ceremony

By Margaret Fish, Communications Manager

The Johannesburg annual awards ceremony, kindly hosted once again at Bowmans on 7 March 2024, had a wonderful turnout from the legal profession.

Penuell Maduna gave the official welcome on behalf of Bowmans, followed by an engaging and amusing keynote address by former Constitutional Judge Zak Yakoob.

We are grateful to all the legal practitioners who give up their time to take on pro bono cases, present workshops and staff our legal clinics. Special awards on the night went to:



## **Child Law**

Heather Pretorius from Fiona Marcandonatos Inc.

## **Labour Law**

Inbam Pillay – LEM Consulting

## **Family Law**

Tracy Marais – Tracy Marais Attorneys

## **Wills**

Norton Rose Fulbright SA Inc. (Candice Pillay and her team)

## **Domestic Violence**

Fatima Laher, Bowmans

## **Housing**

Sarah Goldman, Lawtons Africa

## **Deceased Estates**

Patricia Afagwu – Umennaka Attorneys Inc.

## **Deeds & Conveyancing**

Norton Rose Fulbright SA Inc. (Carina van Vuuren and her team)

## **Community Advice Office**

Orange Farm Human Rights Centre - Richard “Bricks” Mokolo

## **Refugee Law**

Ndou Attorneys

## **Varsity College Student Group**

Group 1, Pretoria Campus -

## **Individual Student -**

Michaela Grove – Pretoria Campus

## **Advocate Award**

Loyiso Makapela SC and Thato Mokhethi

## **University Law Clinic Award**

Natasha Ellen Bekker, University of Pretoria



In addition, there were a number of Special Mentions. These went to Charl Albasini, Virginia Sekgothe, Elgene Roos, Jennifer Finnigan, Alan Jose and Fasken.

Thanks to our generous sponsors – Spier and AJS, to Yonela Mnana for the music and to our donors, partners and colleagues who attended and celebrated the occasion with us.●

# Celebrating 30 years of democracy: **30 cases, 30 lawyers for 30 years of democracy**

By Hellen Motau, Communications Intern



**2024 marks South Africa's 7th democratic elections. This equates to 6 five-year terms, adding up to 30 years of democracy.**

Our campaign of 30 Cases, 30 Attorneys for 30 Years of Democracy seeks to encourage legal practitioners to perform their pro bono duties in their respective practices to celebrate this milestone of our constitutional democracy. ProBono.Org is campaigning for more attorneys to sign up to our panel of volunteer practitioners.

According to StatsSA, an estimated 10.7 million people were employed in the formal non-agricultural sector in the fourth quarter of 2023. Most people in this country rely on social grants to get by. So, what happens when they find themselves unfairly dismissed, threatened with eviction, experience domestic

violence or are unable to register their children in school because they are undocumented minors? That is where ProBono.Org steps in to help by providing access to a private lawyer at no cost.

As the only legal clearing house in South Africa with only three offices around the country, ProBono.Org is burdened with hundreds of requests daily. We link clients with private legal practitioners to assist with civil matters such as divorces, deceased estates, refugee law, wills, child law, housing and labour law. excluding criminal cases, RAF, institution of evictions, contractual claims and tax. By consulting with the clients and drafting case memorandums our service removes much of the administrative burden and saves time for the attorneys and counsel. We have received a total of 798 cases between January to

March and are in desperate need of legal assistance across our three offices.

We hope that this initiative will encourage more legal practitioners to assist us in trying to improve access to justice for the vulnerable and marginalized. We will then use our social media platforms to profile the successful cases.

**To be a part of this initiative and democratic milestone, kindly use the attached link to sign up <https://probono.org.za/attorney-sign-up-new>. ●**

## Anthony Gotz joins the Board



Anthony Gotz SC has been an advocate at the Johannesburg Bar for more than 20 years. He was admitted to the Johannesburg Society of Advocates (the JSA) in July 2001. He took Silk in July 2019.

Prior to joining the Bar, Anthony was a clerk to Justice Didcott as well as to Justice Chaskalson at the Constitutional Court. He worked for two years at the Centre of Applied Legal Studies in the AIDS Law Project. He also completed articles and practised as an attorney at Webber Wentzel Bowens.

He holds BA (Honours) and LLB degrees from the University of the Witwatersrand.

His principal areas of practice are competition, administrative, media and general commercial law.

Anthony was nominated to be a Director of ProBono.Org by the JSA's Human Rights Committee (the HRC). It is hoped that his appointment will foster a closer working relationship between the organisation and the Johannesburg Bar. Historical ties between the Bar and ProBono.Org have been ad hoc, at best, and there is much scope for collaboration to the benefit of both in the future. •

### STAFF NEWS:

## Welcome to our new staff and interns

### CAPE TOWN

#### **Busisiwe Mgada (Staff Attorney)**

Busisiwe graduated from the University of Pretoria in 2021. She completed her articles at the Office of the State Attorney, Cape Town and was admitted as an attorney in 2023. Busi joined ProBono.Org in March 2024. She is committed to helping people who have suffered from great injustices and protecting the rights of vulnerable, marginalised groups.



#### **Ongeziwe Jali (Intern)**

Ongeziwe Jali completed her LLB studies at the University of the Western Cape in 2022 and successfully finished her practical legal training with the Law Society of South Africa in 2023. She is currently enrolled in the LLM (Labour Law) programme at the University of Cape Town.



### JOHANNESBURG

#### **Daphne Makombe (Legal Consultant)**

Daphne Makombe graduated with an LLB from the University of South Africa in 2016. She achieved an LLM in Corporate Law from the University of South Africa in 2024. She served her articles at Coetzee Attorneys and is currently the Child Law and Refugee consultant at ProBono.Org in the Johannesburg Office. Her passion lies in upholding social justice and human rights related matters. She enjoys conveyancing and refugee cases and serving indigent communities.



#### **Aphiwe Nonyukela (Staff Attorney)**

Aphiwe graduated with a Bachelor of Arts in Legal Theory, Political and International Relations Studies from Rhodes University in 2020. She then graduated with a Bachelor of Laws (LLB) in 2022. She completed her articles at the Rhodes University Law Clinic. She is now an admitted attorney of the High Court of South Africa. She is passionate about providing access to justice for all. She now joins the dynamic and passionate ProBono.Org team in the Johannesburg office and will be handling the portfolio dealing with Refugee, Deeds & Masters and Housing matters. ●



# Egoli Gas (Pty) Ltd v Kensington Residents' and Ratepayers Association (KRRA)

By Aphiwe Nonyukela, Staff Attorney, Johannesburg

**ProBono.Org has committed itself to taking on some social impact cases. Amongst these is the Egoli Gas (Pty) Ltd v KRRA case. We would like to thank Baker McKenzie for taking on this matter on a pro bono basis. Baker McKenzie will be the attorneys on record for the Kensington Residents and Ratepayers Association.**

This is an urgent direct application to the Constitutional Court to appeal the decision of the Gauteng Local Division of the High Court after it dismissed an application (with costs) for an urgent interdict against Egoli Gas.

On 6 September 2023 Egoli Gas gave a 30-day notice of termination of the supply of piped natural gas to the suburb of Kensington and residents of the suburbs of Bertrams, Malvern and Bezuidenhout Valley.

On 19 September a second notice was sent out which purported to extend the initial notice.

On 6 October 2023 Egoli Gas notified the affected households of an extension to 31 January 2024. The supply of piped natural gas to the affected households was historically provided by an organ of State, the Municipality, or an entity under its control, from 1892 to 2000, but since 2000 has been provided by Egoli Gas after the municipal entity that performed this function was sold to Egoli.



Pic: Bhekikhaya Mabaso / Independent Newspapers

A two-part urgent application was brought by the KRRA in the High Court seeking relief against Egoli Gas.

- Part A - an interim interdict to prevent Egoli Gas from terminating the supply of natural gas to affected households.
- Part B - to review and set aside the decision to terminate the supply of natural gas to the affected households. The High Court dismissed Part A of the application and found that the onus was on the KRRA and not Egoli Gas in terms of s22 of the Gas Act to have shown that the termination of services was not objectively justifiable.

Although the High Court dismissed Part A of the application, is not the end of the road for the KRRA. They remain hopeful for a finding that the

actions of Egoli Gas were indeed unlawful and unconstitutional.

Our commitment to social justice compels us to take on and refer such matters that impact on the constitutional rights of individuals and communities. ProBono.Org will continue to oversee the legal process of this case to its finality and will provide updates on any developments on its website and social media pages. ●



## Guest slot



# Usindiso: Help after the fire on 31 August 2023

By Sivuselele Manzini – Norton Rose Fulbright SA Inc.

**The Social Impact Team at Norton Rose Fulbright were approached on 20 September 2023 to represent at the Khampepe Commission of Inquiry the residents of the Usindiso Building in Marshalltown after the fire that occurred on 31 August 2023.**

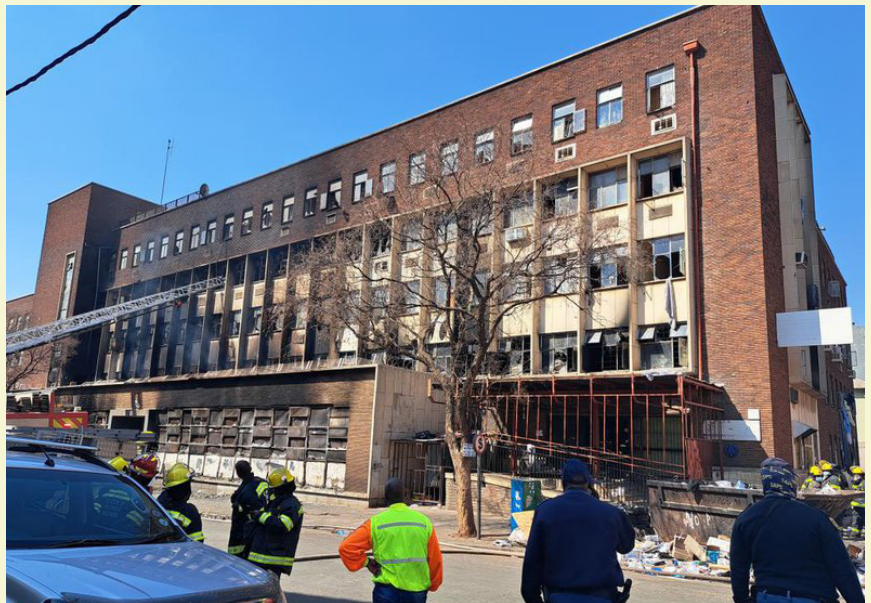
We met with representatives of the residents on 23 September. We spent five hours consulting with the representatives of the residents as they told how they came to be living in the building, what the conditions were like prior to the fire, the events of the night of the fire and what has happened since.

From 26 September to 9 November 2023 we consulted with approximately 340 of the victims. The first week was spent at our offices in Sandton, where we received assistance from legal and non-legal staff in the office to make sure that our consultations were completed.

We then moved the consultations to the FNB building on the Witwatersrand University campus to conduct the rest of our consultations with the assistance of members of the public, interns from ProBono.Org and the Centre for Applied Legal Studies (CALS).

The interns were wonderful as they arrived early every morning, eager to assist and consult with the clients. The venue was perfect, because it was closer to the inner city, which was more convenient for the clients than having to travel to Sandton.

With the assistance of ProBono.Org we received donations of cooked meals, tea, coffee and biscuits from an organisation called Ashrafulaid. This was much appreciated as it



*Pic: Masechaba Selufaro*

was often the only meal the clients received during the day. We believe that this also assisted in giving them a sense of dignity and respect as they had the difficult task of recalling the traumatic events of the night of the fire and watching their loved ones die.

The mammoth task of possibly consulting with up to 500 victims of the fire was turned into a manageable task due to the assistance we received from ProBono.Org, CALS and Ashrafulaid. In the first week of our consultations in Sandton, we consulted with 100 clients. At the FNB building, with the help of between 15 to 20 volunteers a day, we were able to consult with 240 clients.

On 15 November 2023, we received frantic calls from some of our clients staying at the Holfand Community Centre in Bezuidenhout Valley. We were informed that representatives from the City of Johannesburg, JMPD, SAPS and the Department of Home Affairs had arrived to 'evict' our clients from the shelter, as it had been earmarked as a voter

registration centre. Our clients were rounded up, the South Africans transported to Denver Shalazile informal settlement and the foreign nationals were arrested and detained at the Jeppe Police Station.

On 16 November 2023, representatives from our office went to the Jeppe Police Station to consult with our clients and were met with resistance. Our clients were transported to Johannesburg Central Magistrates Court and brought before Senior Magistrate du Plessis for him to make an order in terms of Section 34 of the Immigration Act, declaring our clients deportable for not being in possession of documentation. We requested that proceedings be stayed until 17 November 2023, as we were launching an urgent interdict application in the Johannesburg High Court, and if we were successful the Department of Home Affairs would be interdicted from deporting our clients because, as victims of the fire, they were valuable witnesses in the Khampepe Commission of Inquiry.

On 20 November the Magistrate

found that our clients were deportable and should be deported within 30-days of the judgment, as prescribed by the Immigration Act. The urgent application was heard before the Honourable Dosio J on 23 November 2023. In the meantime, the 32 who had appeared before the Magistrate were transported to the Lindela Repatriation Centre. During the urgent application the City of Johannesburg entered into a settlement agreement with the residents to improve the conditions at the Denver informal settlement. The matter proceeded on the issue of the detention and deportation of those held at Lindela and judgment was reserved.

On 7 December 2023 we received the judgement in the urgent application and our clients succeeded. The Department of Home Affairs was interdicted from deporting our clients until the Commission of Inquiry had made its findings. The

settlement agreement between our clients and the City of Johannesburg was made an order of court.

One must ask the question though – where are our clients now? Those at Denver face many challenges. Many of our clients have not been allocated one of the temporary shacks. The shacks were built on a parking lot, at the bottom of a slope, so during the summer rains there has been severe flooding. There is no longer security at the informal settlement and others desperate for shelter or who want to use the shelter for their own purposes are forcing their way in. Those at Lindela remain in limbo and often complain about the inhabitable conditions. They are forced to live in overcrowded rooms, are feasted on by bed bugs, they are having difficulty accessing medical attention and are only provided two meagre meals a day.

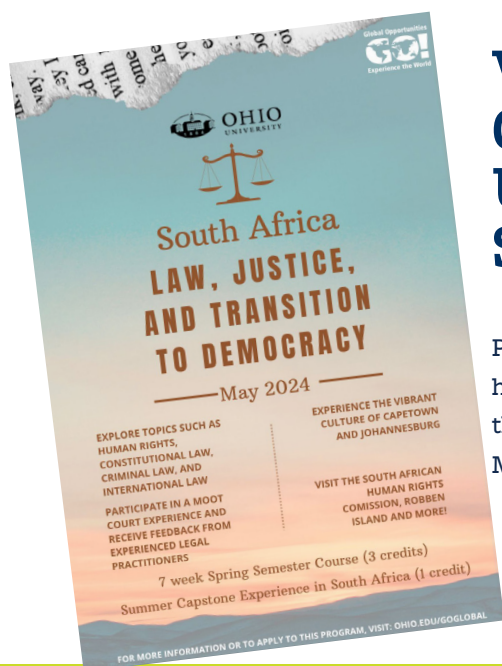
Our team has dedicated its time and energy to assisting the victims

of the Usindiso fire through legal representation at the Commission of Inquiry and in our Courts. We are grateful for the assistance of ProBono.Org, CALS and other legal entities, civil organisations and groups for their support and help. We have become usindiso wabantu – the help of those in the aftermath of the fire that occurred on 31 August 2023.

**The Commission of Enquiry gave all parties the opportunity to make oral closing submissions which was to highlight the written submissions that were filed on 28 March 2024.**

**All parties addressed the Commission, which included SERI, the Johannesburg Fire Victims Support Group, the City of Joburg and the evidence leaders.**

**The Commission will now deliberate and will provide recommendations at the end of April 2024. ●**



## Visit from Ohio University Students

ProBono.Org is proud to be hosting the students during their visit to South Africa in May. ●

## Write for us



We would like to invite legal practitioners to contribute to our bi-monthly newsletters by writing an article of up to 400 words (one page) on a topical issue of law. Please indicate your interest to the editor at [margaret@probono.org.za](mailto:margaret@probono.org.za)

The deadline for articles for the next issue will be: **1 June 2024**



VISIT OUR WEBSITE AND FACEBOOK PAGE WHERE YOU CAN READ MORE ABOUT OUR WORK

[www.probono.org.za](http://www.probono.org.za)

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