

Int This is an interview with JP Purshotam. JP, thank you very much for agreeing to be part of the Legal Resources Oral History Project.

JPP Pleasure.

Int I wonder whether we could start the interview...if you could talk about your formative life experiences in South Africa, growing up here under apartheid, and what was the trajectory that actually led you into the legal profession?

JPP I grew up in the centre of Durban, Victoria Street, my mom still lives there, I only moved out because the flat was too small for all of us to live there. Victoria Street is a very, very busy area of Durban, and it's cosmopolitan in the sense that, you get black, white, coloured, Indian, all types of people coming there. Mainly the whites come there because of the tourist aspect, the tourist market, but the rest of the people...Indians only used to live there, during Group Areas. But, it was a very rough area, I regularly saw people getting stabbed and shot, and things like that. They still do. So, I grew up in that kind of neighbourhood. But, that wasn't something that brought me to the legal profession; I wasn't really interested in law and order, or anything like that. I wanted to become an architect, and I was well on my way to becoming an architect. I had studied...I am a qualified architectural technician, which is...I draw plans...I used to draw plans of buildings, and that's what I did after I finished school. The building industry went down during the late seventies and I was put on half-day, and then, I think, I just got up to a lot of mischief, and drinking, and all of that stuff, and someone suggested to me that I should actually spend some time studying through UNISA, which is a correspondence university in South Africa. I think it's one of the biggest correspondence institutions in the world. And, I can't tell you why I selected law; I think it was almost like a random choice, it was something I picked just to keep myself out of mischief. So, I got my law degree in '81, but I still didn't have any intention of getting into the legal profession, I didn't really have a high opinion of lawyers and the legal profession, I still don't. And then I carried on working for this architect, half a day. In fact, I used to do so well in terms of money, that...and in terms of my work, that he kept me on half a day even when the building industry improved, because I used to push the work out in half a day that a normal guy would push out in one day. So, I still had a lot of time on my hands, even though I had my law degree done and I wasn't studying any more. And then LRC came along, and I read about it and I wrote to Chris Nicholson who was the Director then, that I've got a law degree and I didn't know what to do with it, I'm happy to come and volunteer for him, half a day. I used to work at the architect in the morning, and afternoons I started coming here. It was in this centre actually, it was in that block there when I started, from '86 it moved into this block up here, and that's what I did. Until I joined it in...full-time, (Chris) Nicholson insisted that I join it full-time as an attorney. In the meantime I had done Articles and various things like that.

Int You had done that at the Legal Resources?

JPP No, LRC wasn't allowed to take on Articled Clerks because of various regulations. But, what happened was that...two years, we had to do our Articles for two years...(Chris) Nicholson applied...well, I did one year outside...in an outside law firm...and he applied to the Law Society for a special dispensation, which actually, in law, they were not supposed to give, but they gave to him, so I did one year there, at the LRC. And then once I got admitted as an attorney, I just joined the LRC full time as an attorney there. So, I've been associated with it from, virtually, the word 'go' and ya, I left it in...at the end of September, this year.

Int Right, 2007?

JPP Ya. So, that's how I entered the legal profession...

Int I wonder whether I could take you right back?

JPP Ya.

Int Growing up in South Africa and you mentioned Victoria Street, I wonder whether you could talk a bit about what your sense was about being different in terms of...under apartheid, did you really get a sense...when did you get a sense and became politically aware, of what was going on around you, in terms of differences between Africans and Indians and whites and coloureds, etc.?

JPP Well, I didn't encounter a lot of whites in my time, normal whites I'm talking about, because the only people who you encountered there were tourists. Normal South Africans didn't come in to that area of town; it was too rough for them. So, I didn't know what a normal white was like, but I knew there was something about us, not being allowed to sit on benches, and various things like that. I still remember there were green benches for anyone who wasn't white, and there were the white benches for people...and I knew that there were different types...different buses...I didn't learn how to swim, because there were pools in town, but we were not allowed to go there, and my parents were not prepared to send me to a far away pool, which Indians were allowed to use. In fact, I just learnt how to swim in the last year. I managed to speak to a retired swimming coach, and he said: ok, that's fine, he will teach me.

Int Congratulations!

JPP Ya. So, ya, I...it wasn't as if...look, I don't remember any particularly bad incidents where I was...I came to any sharp end of apartheid, or something like that, I...for me it was mainly the petty apartheid aspects which affected me, in a sense. I mean, I didn't know that whites had better schools or anything like that, when I was growing up, I wasn't very politically educated. I think all that only started once I'd finished school, and I finished school in '75, and '76 was a year later...and that's when I started reading about all these...but not while in school, I don't seem to recall anything particularly bad, as far as apartheid was concerned, during my school years.

Int Did you...as an architectural technician, did you have to go to university or did you train outside?

JPP No, I went to the Tech.

Int Oh...

JPP Which in those days was also racially segregated. And I didn't attend a normal university, as I said; I did it through UNISA, so, I...if I had attended a proper university I would have gone to UDW, University of Durban Westville, which was an Indian university, and I suppose I would have there encountered, you know, political protests and be more politically educated, but I didn't go there because...that's not what I did. Ya.

Int And so, when you joined the Legal Resources Centre you said that you ...you mentioned that you saw an advert in the paper...?

JPP No, it wasn't an advert, no, I just read about the LRC and its work.

Int Uh huh, in the newspaper?

JPP Ya.

Int Right.

JPP And, it was in the Graphic newspaper, I still remember the paper, and it was written by Strini Moodley, who had just been released from Robben Island, at that stage. His wife actually works at the LRC; she's been there from day one. (reference to Asha Moodley) She still works there. Are you going to interview her?

Int I think she's on vacation but...it would have been nice to interview her.

JPP Ya. So, when I read his article and the way he described LRC, I thought that this is something that would interest me. I had a low opinion of lawyers, but this obviously, wasn't what I had imagined law to be. So, ya, that's what attracted me to the LRC. Ya.

Int So, initially, when you started volunteering, it was quite early on when the LRC started?

JPP Oh ya, ya.

- Int Can you tell me some of the key issues that you began to deal with as a volunteer?
- JPP Ya, no, as a volunteer my main job was research and photocopying and...drinking, Friday was a big drinking day. Ya, I...I think, ya, the highlight of my week was the drinking on a Friday and we had...did you interview Sandile Ngcobo and ...?
- Int Not yet, no.
- JPP He's...he was an attorney here. John Hlophe who is...
- Int In court? The John Hlophe.
- JPP Ya, he was here. So we all used to get together, (Chris) Nicholson included, on a Friday. There was a great group of people that we used to get together and chat and ya, have fun and talk about things. Ya.
- Int Right. So how long did you volunteer for before you...?
- JPP From '82 to '86.
- Int For two years?
- JPP No, four years.
- Int Four years, sorry. And then you went to...?
- JPP Articles.
- Int Articles, right...
- JPP And then I joined again as an Articled Clerk that was full time because once I finished my Articles, I was just basically sat in the same chair and I was an attorney.
- Int So when you started as an attorney officially, what date was that...four years you were here...?
- JPP Ya, that was in '86, September '86. So when I finished off here it was exactly twenty-one years as an attorney.
- Int Gosh...

JPP Ya.

Int So, when you started as an attorney, you also started in a very difficult period of the country's history?

JPP Ya, the Emergency had just been declared, two months before that, three months before that. So, from the word 'go', we were doing a lot of work for Emergency detainees, and people getting arrested under the Emergency regulations. That was...that work carried on for a couple of years, until 1991, in fact, beyond that as well. Even though the Emergency had been lifted, there were lots of damages claims for people who had been assaulted, brutalised, during that period, and in the High Court, Supreme Court, these cases take many years to come for a hearing...to get a hearing. So, ya, that work carried on until the early nineties and then in the early nineties, in fact from the eighties, well into the mid nineties, we did something called...it's unique to the Durban office, it was called Natal Violence. This was the... basically the war between what was then the UDF, which was a front for the ANC, between them and the IFP, so, Emergency had been lifted but the war carried on in this province. And we intervened in lots of these skirmishes.

Int How did you intervene, as the Legal Resources Centre?

JPP We...we and other organisations, got together monitoring. There were lots of marches and all these...marches were famous for ending up in a fight or a battle between these two factions. So, we used to go and monitor marches, we used to speak to the police, because you had to get permission...there were big problems about people getting permission to march. We brought application in the High Court, to set aside decisions of the police refusing permission to march. Ya, there were all these various things, got to do with civil and political rights in those days, that we got involved in. Meetings were banned.

Int Even during the unbanning period in terms of...from 1990, meetings were continued to be banned?

JPP Oh ya, those laws were only repealed well into the nineties, I think, ya.

Int Ok. So, the...the Natal Violence Project, did you continue that until 1996?

JPP Ya, mid nineties, I would say, ya.

Int I'm wondering in terms...?

JPP I'll tell you...I'll tell you that this business of meetings not being allowed to happen, I mean, as an attorney I wasn't allowed to appear in the High Court until '97. They passed a law; only advocates were allowed to appear in the High Court. I was one of

the only attorneys in the entire LRC, besides me and (Geoff) Budlender, who appeared in the High Court. There's no other attorney in the LRC, who appeared...when (Geoff) Budlender was...you've interviewed him?

Int Yes...

JPP When he was at the LRC, him and I were the only attorneys...and until the day I left, I was the only...when he left, I was the only attorney in the entire LRC, who regularly appeared in the High Court, no other attorney did that. My first case as an attorney, when I was appearing in the High Court, was against the president, who was (Nelson) Mandela at that time.

Int Really?

JPP Ya.

Int And what case was that?

JPP The case was about a law which applied in a particular part of this province, **Ngwavuma**, and it was a very, very big flash point in the eighties and nineties, and they passed a special law banning meetings, and after the new Constitution came into force, that law was unconstitutional, but they refused to repeal it.

Int You mean the ANC Government?

JPP ANC Government, (Nelson) Mandela as well. And I wrote to him demanding that he repeal it, and they just ignored my letters. I had to go to the High Court. I brought a special application. And the reason I remember that case is because it was my first case, and it was a case against the President, you can't go bigger than that. And, they didn't fight that case, because they knew, but they forced us to bring that case. So, ya, those laws were not repealed very enthusiastically, even when we brought it to their attention, they...the government wasn't very keen to repeal it, as such.

Int Others have mentioned that you've had a very unique approach, in dealing with specific cases, etc. And I'm wondering whether you could talk about that, in terms of the types of cases you took on during your twenty one years at the LRC, and...what sort of innovations you kind of introduced?

JPP The only unique approach I had was that other people waited for clients to come to them. I tried to see what's happening out there and, I mean, you look at the media, you speak to people, you speak to other NGOs, and you try and work out the different types of problems that people are encountering. So, what I used to do was...actually my court papers were ready before a client walked into my office. And, in fact, that stood me in good stead because when I identified a problem, I tried to work out what

the law was, in relation to that problem, and then I drew up the court papers. And then I started looking for a client. I'll tell people or organisations that this is the profile of the kind of client I am looking for, whether it's a male or a female, young or old or, whatever, and they would bring the client to me. I just needed to then slot in their name and address, and that type of thing, and we'd be in court. So, I think that's the only unique aspect of me practising law at the LRC.

Int So what were some of the interesting cases that you had ...using this approach?

JPP Virtually all my cases were like that. Like that Ngwavuma Case that I told you about, and...but, I mean, I really wouldn't know where to start, in terms of telling you, which cases we did. We did literally hundreds of cases...um...

Int Why don't you tell me about the ones that have been much more...influential in terms of your own life as a lawyer, those that have been extremely rewarding, however small the problem as such?

JPP Well, helping people with pension problems is usually very rewarding. It's very small, minor cases, but it makes a very big difference in their lives because people...it's a life and death type of situation when people don't get their pensions, mainly old age pensions, yes, so that was very rewarding.

Int Did you do that in the post apartheid dispensation?

JPP Pre and post, in fact it still carries on, that one, people still don't regularly get their pension. In fact the LRC stopped doing that work a couple of years ago, because, what happened was, that because it was such a big problem, private attorneys latched onto this type of thing and they copied our papers, and they brought them literally in their hundreds to the High Court. And they were making money out of these things, because all these cases were winning cases, and they used to collect costs of three, four, five thousand rands for each case, and the clients didn't pay anything, you see. So, the government was literally paying out to lawyers, millions of Rands a year for bringing these cases. So we stopped bringing those cases because these guys had, like, almost cornered the market, in a sense, private lawyers. But, until about five, six years ago, we were the only people in Durban who brought those types of cases, but not in the volumes that we saw later. It's just impossible to bring it in those volumes.

Int But, it sounds to me, from what you're saying, is that you almost had set a precedent?

JPP Ya, we had set those precedents years ago, but it didn't have the effect on the government, they knew exactly what they had to do and what the law was, but they...it was...got to do with their administrative set up, it just didn't work, because of laziness, bloody-mindedness, I don't know what, but...Ya, it wasn't as if there was some kind of confusion about what the law was, they knew exactly what the law was. And, in the old days, mainly the cases were against the KwaZulu Government, which

was a self-governing territory in this province; Buthelezi was the Chief Minister. Ya, and what helped us to litigate against the KwaZulu Government...by the way...pensions wasn't the only thing that we litigated against the KwaZulu Government, and...in fact the LRC in Durban was the only LRC (office) in the entire LRC, which litigated on a regular basis against a self-governing or so-called independent territory, within South Africa. And in the eighties, (Chris) Nicholson saw that there was great confusion about exactly what law applied in KwaZulu; KwaZulu passed its own laws, it had a legislative assembly.

Int And this is with the Inkatha Freedom Party?

JPP Yes, ya. Well in those days it was just known as Inkatha. So the LRC actually compiled legislation, because we went and dug up all the different type...all the different KwaZulu Gazettes and compiled legislation in different volumes, dealing just with KwaZulu, and we made lots of money out of that, by selling it back to the KwaZulu Government. In fact it became like a publishing enterprise on its own. We had full time people just attending to that. It was...I don't know whether we made a lot of money, but there was a reasonable stream of income, and the KwaZulu Government literally bought those publications in the hundreds, because they had them distributed to all their...because they themselves didn't know what law applied to their own territory, so, ya, we then used that, to litigate against the KwaZulu Government, because you have to know what's the law before you can litigate.

Int Sure...

JPP Ya, so, coming back to the cases. I think as far as KwaZulu was concerned, in the late eighties, '87, '88, Buthelezi was the Chief Minister there, he had...he's actually, besides being the Chief Minister, he's also the head of his own tribe, the Buthelezi Tribe, and his tribal area is near a place **called Mahlabatini**. And I think he got it into his head that he wanted to expand the territory that his tribe controlled, and he passed a Gazette taking over the land of another tribe, adjacent tribe, which was then the Ndebele Tribe. And...then the Ndebele Chief came to see me, and he said: we have been driven off our land by the Buthelezi Tribe. And I did a bit of research and I found that he didn't have the powers to do that, Buthelezi. And, I wrote a letter to him to say that he needed to repeal that Gazette that he...proclamation that he had passed, because these people now were, you know, disgruntled about being deprived of their land. He, just like (Nelson) Mandela, refused to do that, and we went to the High Court, as it was known as the Supreme Court then, we had quite an acrimonious battle with the KwaZulu Government but eventually we won the case. And we set aside the proclamation, and these people got their land back. So, that was only rewarding because it was against Buthelezi, and it was unique in the sense that very few people took on Buthelezi and won. He was...he inspired fear in lots of people in this province. I mean, you could...you couldn't take on Buthelezi and then sometimes even live, people were assassinated. It wasn't as if I was terrified of being assassinated, it didn't happen, like, if you were in Durban, but if you were out in the rural areas you would definitely be marked as a target. And people were killed wholesale in this province. I mean, I still remember going...after (Chris) Nicholson, Richard Lyster was the Director...I still remember about how in the early

nineties...could have been late eighties...we received a call from a place called Hammersdale which is on your way to Maritzburg, it's...that and Mpumalanga Province...not province...Mpumalanga Township, which is next to Hammersdale...and IFP...they were called *Kits Konstables*, these...it's translated into English as instant policemen...they had been issued with automatic weapons and they were just literally going from house to house and shooting people who they thought were on the other side.

Int You mean ANC?

JPP Ya, UDF. And, we received a call from a UDF activist and he was wondering whether we could come and help, because the police were refusing to help. And, I mean, we don't have any guns or anything of that sort, but Richard (Lyster) and I went there. And as we were going to the church, where we were...we had arranged to meet with these guys, we actually saw bodies lying in the road, of dead people with bullets, and, you know, I mean, it was just crazy. And while...the whole idea was to actually bring an application to the Supreme Court to compel the police to do something about this, they knew it was happening and they just were looking the other way. And while we were busy, these guys came down the road for us, and I was terrified, I must say, I asked Richard (Lyster), I said: look, they won't shoot you because you're a white man, do you think they may shoot me? And I must say I was a bit cowardly, I ducked behind him when they entered the church, they didn't see me, but they looked at us for a couple of minutes and they went away. But, it was just, I think, fortune that was smiling on us, on that day. They could have easily just shot us in that church. We later that day, did bring that Supreme Court application to compel the police to do what's necessary, which the Supreme Court gave. But, it didn't have any effect, because they just ignored that Court Order and the killings continued until they just died down, maybe through some political intervention, but ya, that was a terrifying moment.

Int Has this come to light in the TRC hearings?

JPP I'm sure, it did...I didn't bring it to their attention, Richard (Lyster) might have brought it, I mean, he was a Commissioner. And then there was another incident where Chris Nicholson and I had gone out to save some people from having their houses bulldozed, and while we were...this was in a rural area...while we were there, shots rang out, and we didn't know where those shots were coming from. We obviously took cover, but it must have been the landowner. Obviously we took cover quite quickly. Ya, those are the, like, low moments, I think. In terms of cases, ya, there was a big, huge, very big demolition, which was...well it wasn't even a demolition. The Prevention of Illegal Squatting Act actually allowed landowners and the government to demolish informal settlements without orders of court.

Int And when was that instigated, that particular Act?

JPP That Act is a 1953 Act.

Int Right, ok, so...did it carry right through into post apartheid?

JPP Ya, it only was repealed in '98.

Int '98...

JPP And there was a white guy who had been contracted to clear an informal settlement which had literally hundreds and hundreds of homes, over a thousand, and he thought that, well, if the law allows him to demolish without an order of court, what he's going to do is that he's not going to demolish, he's just going to burn them. So his men went, I think on a particular day, and they just poured petrol on these shacks, and just everything went up in flames, literally, hundreds of houses with their contents, and beds, and documents, and everything, went up in flames.

Int Where was this exactly?

JPP It was near KwaMashu, it's a place called Richmond. The LRC then was called in later that day, but it was too late. We took statements from literally hundreds of people, and it then culminated in...we brought damages claim against this landowner and...sorry, not the landowner, the guy who was contracted to clear this land, because there was great confusion about whether he had done it in terms of the law. He said he had done it in terms of the law, the law did say that he could demolish and remove, remove being remove...

Int Contents and the people?

JPP Ya. But, there was confusion about what the exact meaning of the word 'demolish' was, whether burning was included. And, we brought a damages claim in the Magistrate's Court, for one person, it was a test case. All the other cases we agreed with the other side that, whatever happens to this one case will impact on the rest; we don't have to litigate all of them. And I was put in charge of this case and we eventually went from the Magistrate's Court where we lost, we went to the Supreme Court where we lost...we eventually ended up in the Appeal Court. The issue was, what is the content of the word 'demolish'? And, the Supreme Court, sorry, the Appeal Court in Bloemfontein agreed with us that it didn't include complete destruction, because we were talking about demolish and remove, we're talking about demolish in the sense of dismantle, the structure, and remove means allow the people...because you see the ownership of the building materials still vests in the occupier, even though it might be flimsy building materials, ownership of that material still vests in the occupier. And, the Appeal Court said that because the person is the owner of the building materials, he must be given the opportunity to remove the goods himself, and if he doesn't remove, he or she doesn't remove them, the person who is evicting him can remove them. So, that case ended up as a big precedent as far as informal settlements were concerned. It now created a very, very big problem for government, because they had to demolish in a particular way. If you were going to demolish, you had to demolish by, as far as possible, retaining the integrity of the

building materials. So, you couldn't just come and bulldoze, you had to get, like, workmen coming there and virtually dismantling. And, that then slowed down drastically removals, in the sense of, wholesale removals of informal settlements. So, I'm quite happy that I contributed a little bit, as far as slowing down these wholesale evictions that were happening. During post apartheid as well, they even happen today, even though that law is gone, all levels of government still evict people without orders of court, and demolish and what have you. So, the LRC tries to do its best as far as that is concerned, it still carries on...there is no precedent to be set because the law is quite clear, you can't...section 26 of the Constitution is very clear, you can't remove or...people from their homes or demolish shacks without orders of court, but it's still happening in this day and age, in 2007.

Int Right, I'm going to take you a bit back because when you started at the LRC, during the eighties, it really was the height of oppression, height of resistance. I'm wondering, if Parliament was supreme under apartheid, how do you think that the legal victories garnered by the LRC, I'm talking here about the test case approach victories, as well as the victories that were incurred at Durban office, why were they not overturned by the apartheid regime, do you think?

JPP Well, look, those cases all revolved...like this word 'demolish', it all revolved around interpreting in such a way that you would fight for the rights of your client, and the government would obviously vouch for an interpretation that suited them. But, where we thought we had a good case, we eventually took it right up to the Appeal Court, and once the Appeal Court passed judgment in the case, then usually the government complied with that. They had the option of changing the law, but...it happened, but not very often. So, ya, it wasn't as if we were measuring up laws against the Constitution or something like that. It all revolved around interpreting laws in a particular way, and even though apartheid destroyed the legal fabric to a great extent, in the twenties, thirties, forties, South Africa still had a very strong rights-based approach. So if you look at the case law from that period, you will find that it is very, very pro liberty, it is very, very pro private property, and various things like that. So, we used a lot of precedents from that era to...our common law is very, very pro liberty, and those types of things, so when we're talking about people getting locked up, Habeas Corpus, is a common law remedy in which you don't have to show that a person has done anything wrong, or whatever it is, it's got to do with bringing the person to court, so that the court can examine that person and determine whether that person's liberty has been lawfully infringed. Habeas Corpus applications were brought all the time, I mean, I still remember one case where a person was, under Section 29 Detention, now this is not under the Emergency regulations, this is under the Internal Security Act, which was much more harsher than Emergency regulations. This is Incommunicado Detention where you didn't have access to your lawyers, doctors, anything, only people who had access to you were brutal Security Policemen. And there was a youngster, he was still a teenager, only God knows why he was in Section 29 Detention, but he had been so severely assaulted, they had actually mangled his genitals, and he had landed up in Shifa Hospital, and we got...it was actually Christmas eve, today, we got an anonymous call from a nurse to say that there's a young boy in this hospital here, in our ward, being guarded by policemen, shackled to the bedposts, and he is in a very, very serious condition. And, they suspected that he'd been tortured and would we come? But, we...looking at those

signs, we knew that he was a Section 29 Detainee, you can't really have access to a Section 29 Detainee, unless you have the permission from the Commissioner of Police himself, in Pretoria. But, (Chris) Nicholson and I just went there, and we pretended as if we were visitors, or something like that. We looked at his chart and we saw what had happened to him and it was clearly torture. And we quickly made copies of his chart, which we were not allowed to do by then, and these...the police, by the way, had been taking a break during this, I think, smoking break...but they didn't really need to worry because the guy was shackled to the bed, so he can't escape. And in any event, he was half unconscious so there wasn't any possibility of him escaping. So, we managed to get a copy of that, and we saw the name of the doctor who was supposed to be treating him, a neurologist, his name was Dr. Vawda. And we...he wasn't in hospital at that time, we decided to go to his rooms, which wasn't very far from the hospital, and we asked him to tell us what had happened. And he obviously knew which side of the bread his butter...sorry...which side of his bread it was buttered out. He refused to talk to us because he was in the pay of the police.

Int Really?

JPP Because I think, he regularly treated these types of people, and I think they gave him drastically higher fees to treat these people, and keep quiet about it. And, we tried to speak to him and until Nicholson said: well, do you know about the Tokyo Declaration? And, I didn't have any clue of what the Tokyo Declaration was about, do you know?

Int No.

JPP I subsequently found out that the Tokyo Declaration was an international agreement, in a sense, in the medical profession, that they will not assist any government or state agency to torture people, doctors, and that if they do come across instances of that, they should report it and publicise it. And the issue was...and this doctor...well, all doctors in South Africa are bound by the Tokyo Declaration, because the Medical and Dental Council, as it was then, had subscribed to the values of the Tokyo Declaration. And once, Nicholson mentioned Tokyo Declaration, you could see he had this panic-stricken look in his face, because, if he wasn't going to co-operate with us at that stage, he now faced us reporting him to the Medical and Dental Council, and him being subjected to a strike-off. And then he told us the whole story. On the basis of that, we came back to the court...er, to the office, drew up urgent papers, we contacted his mother, because she could have only brought the application in her name, as the mother, and we went to the Supreme Court at around lunch time, got an order stopping the police from torturing him. Also, allowing access of private doctors to him, so that they can check whether he's been given the proper treatment, and what have you, and various things like that. So, that happened, ya, about twenty years ago exactly, to this day, it was Christmas Eve, I still remember. The town had...as far as the legal profession was concerned and even the courts, I mean, virtually no one was there, only we were, (Chris) Nicholson and I, and Asha (Moodley) who was typing, we didn't type in those days. Subsequently I learned how to type, all lawyers in the Durban LRC do their own typing, and it was due to what (Chris) Nicholson insisted,

that we're not allowed to have secretaries and typists, and all that type of thing. Ya, so, that's a typical kind of case that we brought...that...maybe it's a bit over the top in the sense that...but torture victims we regularly encountered, brought damages claims, interdicts, and, I mean, Emergency detainees were getting beaten up regularly, and we were in and out of the court bringing interdicts, visiting prisoners all over the province. Ya, so, that was the type of work that we did for the first four or five years of when I was there.

Int What do you think were the reasons for the LRC not being banned or people within the LRC not being subjected to surveillance, threat of closure during the 1980s, because the State clearly had the legal right to do so, didn't it?

JPP Well, I've got somewhere, I can dig it up for you...we managed to...in the TRC process...managed to get a document which was a minute of the cabinet PW Botha was the Chairman, and there were remarks made about the LRC and what can be done about them. And, they didn't really go into what can be done, but they did say that the LRC is a dangerous organisation, and someone should look into us and work out some way of neutralising us. I think it was, ya...so, that is a cabinet minute which I've got somewhere. The main reason...well, this is what I was told, and it made sense to me, was that we had a very, very...very high-ranking members of the judiciary and the legal profession who were our trustees. And, I think the government did not want to mess with an organisation which had respectable members of the legal profession sitting on our board. That's what I was told and it made sense to me, so, look, I can't tell you of any other reason, that's the reason which we were told of and ya, I think ya, that's most probably the reason.

Int Mmm, right...

JPP In any event we were brighter lawyers than them, so if they did something to us we would take them to the Supreme Court. I mean, on the first day the Emergency was declared here, this centre here, was surrounded by tanks and army personnel, and everything like that, this centre was closed down from the middle of the night, because the Emergency came into force in the middle of the night. And when we came to work on the first day of the Emergency, we couldn't come to work because this area was sealed off, this building was sealed off, not because of the LRC, LRC was just one of a whole range of organisations which was here, which the government considered to be dangerous. And, all the organisations looked towards Nicholson, who was the more senior member of the organisations here, and he approached the army to say: well, you know, we want to go to work, and why are you not letting us go to work? And that guy just said: 'fok off', or something like that, in this guttural Afrikaans way. And despite lots of pleading, they just refused this...and, so, (Chris) Nicholson went to the advocates chambers and got an advocate to bring an application...he was the client, (Chris) Nicholson was the client...to bring an application in the Supreme Court, to order us to have access to our offices. And it just shows that sometimes even then, the government didn't get things right. You see, an Emergency, in terms of the law that...which applied, as far as Emergency was concerned, the Act which allowed them to bring Emergency regulations, was the Public Safety Act. And the Public Safety Act said that it only comes into force the

moment the Government Gazette is printed. When we came to work at eight o'clock on that day, the Government Gazette hadn't yet been printed, but PW Botha had declared an Emergency. So, we asked them: where's this Gazette, in terms of which you are supposed to be exercising these Emergency powers? And they didn't have it, and because it hadn't been printed. And so, the Supreme Court allowed us to have access to our offices, simply on the basis that the Government Gazette hadn't been printed. It was printed later that day, but then they didn't come back. So, we got an order and actually, hang on, they refused to comply with that order, when we came back with that order. So, then we went back to court and the judge said that if they don't allow us to go to work, he will order that the Minister of Law and Order, as he was then called, he would issue a warrant for the arrest of the Minister. And when we came back and told these guys that, they allowed us to go back to work. But, when later in that day, when the Government Gazette was printed, they could have come back and closed us down again, but they didn't do that. I can't tell you why. I mean those are one of the mysteries which just endure the rest of...

Int In terms of...during the eighties, you had these...a lot of political detainees, etc. Then into the 1990s, it seems to me that the Durban office may have been quite different from the other LRC offices, in that you continued to really deal with political issues, in terms of the Violence Project that you mentioned?

JPP Ya, it was called Natal Violence.

Int Right, I'm just wondering at what point did you...if...were there discussions about how the LRC would then have to deal with an ANC-led government, in terms of litigation, etc., because the LRC had had a history of actually being, in terms of what it was fighting for...an anti apartheid bent as ANC. So in the 1990s, how did you actually have to make that adaptation, as such?

JPP No, well, my view was that we would close down.

Int Really?

JPP Well, I mean, what would be the point of having an LRC? I was getting ready to leave the LRC, or, well, I was getting ready for the LRC to be closed down. Which it would be the right thing to do, I mean, the...what we had been fighting for all these years, it was now in law, and there was a government which had proclaimed that it was intending to do all the things that we were fighting for, what would be the point of having an organisation like us? Ya, so I was thinking of leaving the legal profession and going back to architecture, which I found to be quite exciting. But, it didn't happen that way. The ANC Government continued doing all the bad things, and work just carried on as normal. All the things...well, the only difference was that work shifted from civil and political rights issues to socio-economic rights issues, so in a sense that we...people were allowed to have marches, and meetings were not banned, and all these types of things stopped happening, but your demolitions continued happening, pensions were still not being given out, so, all those things...so, it's...in a sense, the focus shifted from civil and political, to socio-economic rights kinds of

issues. Which is still the case. I think the LRC at a particular point in time took a conscious decision to only do socio-economic rights in terms of issues, and I think that still applies. Ya, so, my idea was that we would close down because there really wouldn't be any work to do. But, it didn't work out that way.

Int What were some of the things that the ANC continued to do, from 1994 onwards, that the LRC has intervened in?

JPP From...well, in the late nineties, early this century, I think, what started happening was that...well, I got involved a bit...to a greater extent than anyone else in the LRC in Durban...into refugee rights cases. We started seeing a stream of people coming into South Africa from various parts of the continent, mainly Central Africa, Rwanda, Congo, that type of thing, and South Africa was a signatory to all the refugee rights, conventions and treaties, but they were not complying with the international law obligations.

Int You mean, the ANC Government?

JPP Ya.

Int How were they not complying?

JPP Because they were not treating refugees in terms of those conventions to which they had subscribed. Refugees have rights, there's various rights given to them, in terms of those treaties and conventions, and we litigated on a regular basis in Durban, against the government, to give those refugees those minimum rights. One of the most dramatic instances of fighting for refugees was...Sheldon who was one of our attorneys then, he received a call...it was a Friday afternoon and we were getting ready to have drinks...from someone in the UNHCR office, to say that there's a ship that was going to go past Durban on Saturday, and it had on board two Iraqis who were ear-marked for execution, if they reached...that ship was on its way to Iraq. This Iraq conflict, I know, hadn't yet started, and this was well before then, Saddam Hussein was still...

Int In power, mmm.

JPP ...the President, ya, and they were seeking refugee status. The UNHCR was looking for someone who could get them to come into South Africa. The ship was going to go past Durban but not enter the Durban harbour, it was, I think it was just going to pick up some fuel. Durban has an off-shore facility where ships can just fuel up and go, they don't have to come into the harbour. And, so started this very dramatic case where he...and Sheldon came to me, and we knew very little about these guys, but what we...we checked with the maritime authorities and various institutions...these two guys were on board, they...the ship had actually left Iraq a month or two earlier, with these guys as stowaways on board. The idea...because it was going to Europe,

that ship was going to Europe, around Africa, but no country in Europe or Africa, wherever it stopped, was prepared to take them as refugees, and Durban was now going to be literally the last stop before it docked in Iraq. And, so what we did is that we asked the Department of Home Affairs whether they would be happy to give them refugee status. The Department of Home Affairs administers refugee legislation, and things like that, and they refused to do that. So, we went to the High Court, we drew up papers and it was...the hearing was held on a Sunday morning. The ship was still taking on fuel at that time, off Durban, and we got an order, ordering the South African Government to get a helicopter and pick these guys up and bring them in, you can't force the ship to come in, because it's a private ship, but the South African Government can do something, in the sense of picking these guys up, and bringing them to refuge, to safety, and we did that. Ya, so, I mean, that's just a small illustration of the refusal, stubbornness, whatever you want to call it, of the South African Government in terms of complying with its international obligations. They had to do this...the UNHCR had told the South African Government, through official channels, that these guys deserved refugee status and they should be given that, but...and this case wasn't more than five or six years ago, I mean, it was in this century. So...and then we've done lots of other cases in relation to refugees...

Int Have you worked with William Kerfoot?

JPP Ya, I have, ya. He's done lots of good work as well. Ya, so, I mean, that's refugee work. What else...um...Really, I should have thought about these things...

Int No, that's quite alright, I'm just trying to get a sense of what the work has entailed in a post apartheid dispensation in terms of the fact that you're now in a rule of law-based society...constitutionally-based society...

JPP Theoretically?

Int Yes, theoretically. But, in practice, what are some of the difficulties that arise and...for people like you at the LRC, in terms of what are the cases you see now?

JPP Well, I think the problem is that, you know, you try and fight cases and hope that the government...theoretically, we and the government are on the same side, it's not this, 'us against them'. In the olden days we saw the government as the enemy, but after '94 we couldn't see the government as the enemy, there were lots of our own friends who were in government. So, this...my view was that this antagonistic relationship should stop and, you know, we should work together to make the Constitution come alive, be tangible in terms of the benefits that it was going to give to the people, but it didn't work out like that. If you wrote a letter pointing out something that was happening, you'd get some kind of rude letter back to say, like, mind your own business, you know, we know what we're doing, or whatever it is. So, ya, that's what, for me, was a very big disappointment as far as the new ANC Government was concerned. And that's what basically caused the LRC to continue its work. Because if we had a good working relationship, then we could have litigated less and succeeded in securing greater rights for people. Well, actually the rights were already in the

Constitution, it was just a question of concretising those rights, making them become real. Because the rights have...are there, they are written in black and white, it's not as if we're fighting for rights today, the rights are already there.

Int It needs implementation...?

JPP ...implementation, which is lacking for various reasons. Lack of political will, bungling as far as administration is concerned, ya, just lots of laziness, ya. I really don't know how to explain it but the government would be able to tell you better. But ya, they...I just saw failure, after failure, after failure in terms of letting people down. And that's what kept the LRC busy.

Int So in...from 1994 to before...just before you left, besides the refugee issue, what have been some of the other issues...?

JPP Lots of housing demolitions, interdicts. I actually did...I think I was the only attorney in the LRC, besides (Geoff) Budlender again, who did work in all fields. I didn't...I refused to allow them to pigeonhole me into a housing lawyer or a women's rights lawyer or a refugee lawyer or whatever it is. I did women's rights cases, I did refugee cases, I did housing cases, I did pension cases, I did cases on virtually everything that you can think about in the LRC. Ya, so, what do you.....want me to give you some examples?

Int Well, yes anything that...strikes you as particularly indicative of the challenges that the LRC faces in a post apartheid dispensation.

JPP Well, the problem is that you don't have an identifiable enemy, as such, that's what caused a lot of confusion and, like, you know, you examined yourself and you asked yourself whether it's right to fight against a government which has such an overwhelming majority. Each time, the ANC....as government, it gets a bigger majority, and you ask yourself: how is this...how does this happen? Because we know for a fact, with the clients coming in to see us on a regular basis, that this shouldn't be happening, they should be getting a reduced majority, because why are people voting for the ANC? Unless we're completely out of touch, we might be living on a different planet. Because if the implementation is not happening and we know for a fact it's not happening, why do people keep voting in greater and greater numbers for the ANC? I don't really have any answers for that; it's a complete mystery to me. So, for me, that was...I wasn't a very enthusiastic fighter against the ANC Government, because as I said, there were lots of people who we knew, who were in government. You can't fight against people who you know actually hold the same values as you. I mean, it just doesn't make sense. You can fight someone who holds the opposite view, you can't...so, ya. So, that's what caused, I think, for me...and also I think I was reaching a stage where I needed new challenges, there were no new challenges for me. I had done everything you could think about. I mean, as I said, I was the only lawyer left in the LRC now, when I left, who was appearing in the High Court all the time. I don't get advocates to do appearing for me, I provide a complete service to my clients when they come in. I draw up the papers, I appear in

the High Court, and if necessary, go to the Appeal Court. So, I think I reached the stage where I needed a new challenge and I said: I'm leaving now. So I left.

Int That must have been quite a difficult decision?

JPP No, it wasn't a very difficult decision because I felt that I was stagnating a bit. I needed...also, you know, you get into a comfort zone after a while. I like to stretch myself in terms of my capabilities, and I wasn't getting that at the LRC any more. The work was interesting, but in a sense, I had done these types of cases before, it was almost like reinventing the wheel. I wanted to know how the world out there worked, in the sense of the legal profession. It was too late for me to go back to the architectural profession, the architectural profession had moved on, in terms of technology, and various things like that. When I used to work for the architect, we used to draw plans on a drawing board. Now people draw plans on a computer. And I asked myself whether now I was ready for that type of thing? And I said: well, maybe it's...I'm too old a dog to learn new tricks, as far as the architectural profession is concerned. So, I only completed my LLB last year, by the way. My first degree was a BProc which is an attorney's degree, the LLB allows you to become an advocate, so, in readiness for leaving the LRC I thought: well, I might as well have some options available to me, because I appear in High Court all the time, it wouldn't be a big problem for me to become an advocate. So, I got my LLB and then I asked myself: do I really want to become an advocate? Because I had to do one year of pupillage, pupillage is like doing Articles without pay, for a year, and with having a family and responsibilities, and all those types of things, it wasn't really feasible for me to go without pay for one year. So, ya, I'm in private practice, so, it's a bit slow, but I like the challenges. And also I thought that I don't want to ask myself the question when I'm sitting in an old age home, twenty, thirty years from now: what if I had left the LRC, what would the life have been like? You know, I might as well do it and fail, than not do it at all. I don't say, well, you know, the 'what if' question, I wouldn't be able to answer at that stage. So, ya, I'm looking for challenges, I haven't yet got any huge, big challenges in my private capacity yet, but I'm sure they'll come, I mean, two and a half to three months is a very short period of time to be in private practice. Ya, so, I think it was wanting new challenges that...and also, you know, I had reached the stage where I was the highest paid lawyer in the Durban LRC, and they were having financial problems, and I thought that if I leave, they'll save all that money.

Int (Laughs)...

JPP Well, let me not make you think that I did it for any altruistic motive, to make them save the money. But ya, that's also a consideration, obviously, from their side, they're saving all that money, I was the highest paid lawyer merely by virtue, not of my quality as a lawyer, but just by occupying that chair for that period of time.

Int Did you...were you Regional Director?

JPP No.

Int Right...

JPP I had opportunities to become Regional Director, but I never took it on because if there's one thing I hate, is admin. I just can't stand filling in forms and listening to peoples' gripes about whether they want to take leave, and all that stuff, that's not something that endeared me. So I never took that opportunity.

Int I'm also wondering, you've mentioned that you wanted challenges, legally etc., but in the time period that you were there, the twenty-one years plus, what were some of the organisational dynamics and issues confronting the LRC as an organisation, in terms of gender parity, racial parity, leadership, management, that sort of thing?

JPP Well, the Durban office always had a very, very good mix in terms of gender and race mix. Like in Cape Town, there's a big complement of white lawyers, we never had that in Durban. We always had a mix. There are times where we had people of all races, represented in the office. But, people come and go, you can't stop them from doing that. But, by and large, the majority of the lawyers in Durban were black and often were...we had a good number of female lawyers as well. We didn't have problems as far as race and gender was concerned, as far as lawyers were concerned, which I think might be unique as far as the LRC is concerned. I don't think any other office can boast that, throughout its history.

Int In terms of management, it seems to me that, once Arthur had stepped down to go off to the Constitutional Court, then Geoff came in, and then perhaps after Geoff, it seems to me that there was some kind of difficulty in getting appropriate leadership for the LRC, and how were you and the Durban office affected by...this?

JPP Well, I think the main thing about the difficulties in leadership was that we were in that phase, '94, '95, '96, we had...the entire country was undergoing this soul-searching, or whatever you want to call it. Who wants to be the leader of an organisation which has served its purpose, who would want to do that? I personally saw us, the LRC, as being...having served its purpose, we had a new Constitution. So, I don't think those difficulties were difficulties that the LRC uniquely faced. I think the entire NGO sector would have been experiencing these difficulties, because the NGO movement in this country was established to fight the apartheid government, in their respective sectors, and...so, to a larger or smaller extent, I think, all NGOs were experiencing these problems, I'm sure. So, I don't think the LRC was unique in the sense of encountering these difficulties, looking for leaders is a difficult issue on its own, besides having all these external factors that were boiling away on the outside. So, ya, there were some difficulties, but I think we managed to get...Bongani Majola, who was the next Director, I think he did a good job. And then funding was the main problem that we encountered, and I don't blame people who were funding us at that stage as well, because if I was a funder sitting in New York or Europe or somewhere like that, I'd ask myself: I mean, would...why would I be funding this organisation now, they've got a new Constitution, they've achieved...this country has achieved everything that it wanted to achieve, and this organisation purportedly was fighting

for these rights which are now in black and white, why would I be funding an organisation like that? So, funding went down, understandably. So, those...I mean, the organisation started experiencing problems as far as funding was concerned, which was completely understandable as well. So, ya, there were these...and people obviously, when the funding went down, they often looked to the leadership as the scapegoats, but I think logically, and if you look at it dispassionately, and unemotionally, I think all those things that happened were things that would have happened in any normal society, to a normal organisation with the kind of aims that we had. I don't have any big problems with funders cutting off funding for an organisation which had, for all intents and purposes, served its purpose. I mean, there were bigger issues happening in other parts of the world, starvation, and various things like that. South Africa wasn't a problem...a case...the biggest problems in the world. If I was a funder, I'll look for some other humanitarian issue to fund and deal with.

Int Do you still believe that?...

JPP Ya, I do, South Africa is a rich country.

Int Right...

JPP If I was a funder sitting somewhere in the west, I would fund other issues around the world, really. But, look, I mean, funders must decide their own priorities, if they think that there's something needs to be done...but look, there's still a lot of work. Let me not delude you into believe that the LRC has served its purpose, there's still work to be done, and obviously...but work needs...needs to be funded. So, ya, look, funding is needed as far as the LRC is concerned, ya. To the extent...maybe some people can get in an argument about the extent of the problem. Ya.

Int In terms of Public Interest Law in South Africa, the LRC,...certainly when I interview people abroad they always state that the LRC's the greatest Public Interest Law organisation in the world, do you think that internally in this country, it's been given that level of recognition from the legal fraternity, corporate world or the State?

JPP Ya, I think that recognition was given when Arthur (Chaskalson) was made the Chief Justice, or the President of the Constitutional Court. I can't see any other recognition bigger than that. But, in the legal profession...look, I don't really blame the legal profession, you know, when you're in private practice you're not really interested in Public Interest Law, so, there are instances where people want to talk about the Legal Resources Centre, but they don't say Legal Resources Centre, they say Lawyers for Human Rights. Lawyers for Human Rights just sounds better, and I think, you know, people always are thinking about those two words: human rights, so, the LRC has had this history of being confused with the LHR when the people who were speaking intended to actually refer to the LRC. Ya, so, ya, I think it's been given the recognition, I'm not sure...why do people feel that it's not been given...?

- Int No, I'm wondering from you whether that...?
- JPP Ya, I'm quite happy, I don't think there's greater recognition. I was the happiest guy when Arthur (Chaskalson) was made the President of the Constitutional Court; I thought it was recognition of all that he and the LRC did, during the eighties. It can only be that, I can't see anything else.
- Int In terms of...the fact that there are smaller Public Interest Law Organisations, certainly in Johannesburg, that have popped up, like the Aids Law Project, etc., where do you think the LRC is positioned within that space now?
- JPP The LRC has lost a lot of ground, I think, to institutions like CALS, Aids Law Project, Women's Legal Centre in Cape Town, I'm not sure exactly why. But, I think there's people who thought that...look, there's lots of bright lawyers, you need bright lawyers to do Public Interest Law, and there were lots of bright lawyers who didn't want to be part of the LRC and they went off and started their own organisation, and the Women's Legal Centre is a typical example. The woman who started it, Michelle, what's her name, something, she was an Article Clerk at the LRC, and maybe she thought that she couldn't work within the LRC, so she started her own organisation. They've done a lot of great work, as far as women's rights are concerned. The LRC hasn't been able to do that. So, ya, I think, I'm not sure exactly why, but...but the LRC has lost quite a lot of ground to these organisations. But, look, I don't see it as a competitive environment, I think the more people can get involved in Public Interest Law the better, because at the end of the day we're helping people who wouldn't, in the normal course of events, have access to lawyers and the legal mechanism as such. So, I say, go for it. Anyone who wants to enter Public Interest Law, I'd give them my full support. There's nothing wrong, and I'm sure the LRC doesn't see it like this, that we see them as competition, anything like that. Look, if you're doing work for free, you can't see people who are involved in the same field as competition, it's not as if it's a question of making profits and, you know, no. I think it's good that there's all these organisations. I think there should be more Public Interest Organisations. There's plenty of work and scope for Public Interest Law...I think...ya.
- Int In terms of the LRC and the key issues you think it ought to be dealing with, you mentioned your approach, which is to...find the problem, I'm wondering what the problems are now, in the post apartheid era, and what you think the LRC ought to be focusing on?
- JPP Well, at the moment the Durban office is mainly focusing on education rights, this problem has a very big backlog, as far as building of schools is concerned, and that type of thing, so we're talking about infra-structural development, the government's got resources, but they're not implementing. And the other one is housing, there's lots of demolitions of shacks still happening. And the third one is women's rights, there's still quite a few laws on the statute book, which do not give women the full measure of rights. I'm talking about indigenous law type of issues, these things are contained in what's called, the Zulu Codes, and things like that, they haven't yet been repealed. And I think Sharita (Samuel) just did a case last month, together with Geoff

Budlender, in the Durban High Court, dealing with a particular aspect of the Zulu Code, which deprives women of rights, in terms of inheriting, also, in terms of getting property on divorce, various things like that. Those laws actually say that women don't get anything in divorce.

Int Yes...

JPP So those laws are still in existence. So, it's all got to do with, in a sense, cleaning up the statute book, which is still full of these little laws which are not consistent with the Constitution.

Int In terms of....the refugee work that you mentioned, what do you...do you think that's something the LRC should be taking on quite stringently?

JPP Well, what happened was that the LHR actually established an office here in this centre.

Int Oh, right...

JPP So they only concentrate on refugee work. So, since they did that, all the refugees...they are dedicated just for refugee rights, they don't do anything else. So, ya, the LRC should be doing refugee work, but look, they've got dedicated agents who do refugee work.

Int ...Listening to you speak about your cases, what struck me was, interestingly enough, was that there was a very close kind of communication relationship between the community at large, in terms of civil society, and the LRC, during the 1980s and the 1990s. Does that continue until today?

JPP No, there was a period when we lost touch with those organisations and people, and I think LRC became a bit aloof.

Int What do you think were the reasons for that?

JPP I think there was a sense of arrogance as well. The LRC saw themselves as superior lawyers, or...whatever, I'm not sure exactly, but we did...there was a period when we lost touch with grassroots organisations and, I'd say, in the late '90s, early twenty-first century. But, I think we've reconnected since then, in the last four or five years, maybe four years, we've reconnected. But, I...it's hard for me to put a finger on why it...that happened. It may also just have been due to complete confusion about, you know, whether the LRC was, you know, playing a relevant role in the new society that had come about.

Int What do you think might have led to that kind of confusion amongst community levels?

JPP I'm not sure.

Int JP, I've asked you a range of questions, and I'm wondering whether I've neglected to ask you about issues that you feel really ought to be included in the LRC Oral History Project...?

JPP I can't think of anything, offhand. I think I've covered, in very, very broad strokes, the type of work that I did, I mean, you know, if you search for cases, you'll find them, they're all over the place. Also one of my passions was teaching the Articled Clerks, I still have that passion now. Well, besides the Articled Clerks, I try and impart as much knowledge as possible, to the other junior attorneys. I enjoy doing that. And in fact one of my biggest regrets when I left the LRC in Durban, was, what are the Articled Clerks going to do now? Who are they going to go to? It's not as if no-one else knows the law, or anything like that, but it's also got to do with them, Articled Clerks being comfortable with someone. So I've still got a relationship with them, so they still come to my office if they are stuck, which I enjoy, I mean, showing them and guiding them. And that relationship that I had at the LRC, was for the Articled Clerks around the country, they could email me or 'phone me about problems. And I will be happy to help them. Ya, so, ya, I think that teaching the Articled Clerks was...I got a lot of enjoyment and fulfilment out of that. I still do. What else can I think about? Ya, look, I think I look upon the work of the LRC as being great, historic type of work. I had a small part to play in that, um, ya.

Int I'm wondering, just the fact that you mentioned Articled Clerks, I'm wondering, it's been said that the LRC's found it very difficult, in the post apartheid era, to actually attract good quality lawyers, young lawyers, and actually retain them. And that goes across the board, not just young black lawyers, which it seeks to attract. What do you think are some of the reasons for that?

JPP I think it's all got to do with...we just can't match the salaries which are given out in the private sector. If you want to come and work at the LRC, you have to take a big hit, in terms of your salaries, and unless you're really, really dedicated and passionate about Public Interest Law, you just simply can't afford to do it. I think I reached the stage where...look, I mean, I wasn't earning major bucks, but I'd reached a level where I was earning a comfortable salary, but I think a new graduate...there's no real incentive for them to stay at the LRC, in terms of financial rewards, the LRC just simply can't match the salaries. I mean, there's people out there who can... I mean, we've had lots of staff who left us, and their salaries doubled or tripled overnight, within government or in the private sector. So, ya, I think it's most probably that. There's lots of bright lawyers who would like to do Public Interest Law, but I think they now have to decide whether they are prepared to make the sacrifice, and, I really don't have a problem with them saying: well, I'm sorry, I can't make that sacrifice. I don't see them as being lesser humans for doing that. There was a time and age when people did that, because there was a real identifiable enemy, and there was a good

fight to be fought, and there was a battle, and there was real blood on the floor, but I think those days are gone, when you could get that fulfilment out of making the sacrifices. You really can't continue fighting indefinitely the ANC Government, really. I think there will come a time when the LRC will just have to close up shop. Because, politically, the temperature, I think, will just be too hot for organisations like the LRC to exist. I mean if you look at the history of the elections, I mean, the ANC is getting a bigger and bigger majority. You will reach a stage when the ANC will just say: well, we don't want to listen to you, why should we listen to you?

Int Can it do that in a constitutionally based society?

JPP Well, it can't, because at the end of the day we have the power of taking them to court. But, you need brave lawyers to take on a very, very powerful and representative government. Because the government does have legitimacy, in the olden days, they didn't have legitimacy, and that was a big plus, as far as we were concerned, we were fighting an illegitimate government. Today, the ANC has legitimacy, as far as the electorate is concerned, it has people who were brutalised during apartheid, sitting in government offices...I don't know. But, as I said, look, it's all got to do with funding, I think they will...we'll reach a time when funders will just simply say: we just simply can't fund any NGOs in South Africa, because, you know, the government is just so overwhelmingly representative now for the people...and its wishes.

Int What are the stories that remain to be told?

JPP Stories that remain to be told? I'm not sure.

Int What are some of your fond memories, JP, about the LRC, in terms of the people, any mentoring, close relationships, clients, cases?

JPP Ya, um, cases, I mean, one really doesn't know where to start as far as the cases are concerned. There was one case, also that I did with Sheldon, was...got to do with impounding of cattle. This province has unique laws, as I said earlier on. If black people...they often don't fence their land, and things like that, and if their cattle trespass, or that's the word that's used, trespass onto the white man's land, then the white man can just catch that cattle and impound it. And that law was only repealed two or three years ago, after we went to the Constitutional Court. So, we had this...a lot of fun doing that case. This client, this poor woman who had a couple of cattle...and that was the only wealth that she had, she had no money, nothing like that, whenever that...cows calved, she sold them to earn a few rands which she used to send her grandkids to school, and various things like that. And she had lost a few cattle which were impounded because they had grazed on the other side of the fence, or whatever it is. And we went to the High Court to have that particular law struck down, we succeeded that, but we had to go to the Constitutional Court because it was a provincial law, so it had to go to the Constitutional Court. So, I got a lot of satisfaction out of helping her, because she was your typical type of ANC supporter, who wasn't getting any satisfaction out of the ANC Government repealing those laws, they were just...they could have, at a stroke of a pen, repealed that law. But, there

were literally hundreds of these people, around the province, who were being affected by these impoundment laws, and it required us to go to the High Court and have that law struck down. So, that particular case gave me a lot of satisfaction. Ya, um, I mean, I think the interview will become too long if I go into all the cases...

Int Sure. In terms of people...who were the people that you really found a pleasure to be working with...?

JPP Well, Chris Nicholson, who was the guy who hired me, I think, I really enjoyed working with him. He, to an extent, mentored me; there wasn't anyone else who mentored me in the LRC, everything else I learnt on my own. And, ya, when he left, that was a bit of a sad day for me.

Int When did he leave exactly?

JPP He left...well, there are two leavings actually. He contracted something called ME during the nineties, and he just couldn't work. So, he left us and took up teaching at the university, I think, part time, because he couldn't manage full-time teaching. And then he came back for a while, to the Jo'burg office actually, it was then, I think, they had just established a Constitutional Litigation Unit. Have you interviewed Judge (Mohamed) Navsa?

Int Yes.

JPP But, he and (Chris) Nicholson were, like, the two lawyers who were appointed to the Constitutional Litigation Unit. And then, I think, he left the CLU and joined the Durban office again, for a while, and then he left us to become a judge. Ya, so, I'm not sure exactly when he left us, seven, eight, nine years...something like that...ten years...could be wrong.

Int What about....people often speak about how enjoyable the AGMs were, and I'm wondering whether you had the same sense, in terms of meetings...having closer discussions with people such as Arthur (Chaskalson) and George Bizos, etc.?

JPP Well, no one enjoyed AGMs more than me. (Laughter) The party was in my room.

Int Ok, right (Laughter).

JPP And, I selected the people, even high-ranking lawyers, if I didn't like them they were not invited to my party.

Int (Laughs)...

JPP So, there was the sense of, like, you know, will JP be inviting us to his room, kind of thing? And ya, the AGMs...they were lots of fun... I mean, in the open sessions when Arthur (Chaskalson) used to chair them...well, actually, he didn't use to chair them, they were chaired by Charl Cilliers, who was the Chairman of the Trustees, he's dead now. But, Arthur (Chaskalson) was obviously the National Director, and people had a lot of fun when I asked questions. I mean, people literally started laughing just when I put my hand up, only God knows why. But, ya, look, ya, those were fun days. Once Arthur (Chaskalson) stopped being the National Director, the AGMs were just simply not...they just fizzled out...I stopped going to a lot of them, because the fun just simply wasn't there. I decided that I'd go to every second one, so the last one I think I went to was...in fact I didn't go to the last two...I went to...the last one was about three years ago. Ya, so, ya, I think what was very different about the AGMs then, was that we...we spoke about issues that were facing our clients. We talked about real law, we talked about real issues, we talked about real problems. And then later on after he left, they just...the AGM was about discussing admin. issues and the internal workings of the organisation and salaries and...and as I told you, I hate admin. And that's what just pissed me off about the AGMs, so, ya, I decided that the AGMs are not for me, so I stopped going to all of them. But, ya, I enjoyed the AGMs when he was the National Director, and ya, even when Geoff (Budlender) was the National Director, then they were fine. But, after that they didn't deal with nuts and bolts legal issues and problems facing our clients and...I think it's all got to do...it all coincided with the confusion which was reigning in the country at the moment...at that time. Ya.

Int JP, is there anything else you'd like to add?

JPP No, nothing really, I can't really think of anything at this stage.

Int Thank you so much for your time, I really appreciate it.

JPP It's a pleasure. Thanks for coming.

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