

Int On behalf of SALS Foundation in the United States we really want to thank you for taking the time and agreeing to participate in the LRC Oral History Project. I wondered whether we could start the interview...if you could talk about your early childhood memories growing up in South Africa under apartheid and where you think your sense of social justice and injustice developed?

JK Ok, I was born just outside of Pretoria and grew up in an area called the Marabastad, which was a fairly cosmopolitan area to the west of the city. My mum was quite involved in the passive resistance (movement) and she marched during the years of the passive resistance, was jailed on two occasions and in fact marched in 1956 with the women's march to the Union Buildings. So, but they were very working class people and she was a seamstress and my dad was a waiter, so they didn't see themselves as political activists or activists that were going to change the world. But I guess in that context that consciousness was something that you imbibed almost from a very young age. But we also lived in a society where as you begin to grow up, you begin to see the injustices around you. Where we lived joined a white area, and for us to get from where we lived to the city centre we would walk a couple of kilometres through town. What would strike us would be two things. The one you would be able to observe firsthand the conditions under which white people lived, the schools that white kids went to, the sports fields, the playgrounds. I mean, you'd walk past them; you'd virtually be able to touch the lawn. And then you'd go back to your dusty township and you didn't have to be political to begin to ask yourself questions about that. But secondly, you'd also have to, on those trips, deal quite regularly with the prejudice and the hatred of white people, whether it was in attacking you or whether it was in stealing food stuff that you'd bought in town, or whatever; those were the kind of experiences. I recall one particular experience that was weird as well, because these were also working class white communities. We had come to town to buy some boy scouts uniforms – we'd joined the Boy Scouts – and we'd bought the uniforms and my uncle was a waiter and we'd gone to have some sandwiches and cokes in the back room at the hotel. And after that he...my cousins had lots of dogs at home, and he put a big packet of leftover meat from the night before from the restaurant and said, take this, and as we were making our way home these group of white kids confronted us, and they first looked at the clothes, and then immediately lost interest in it. And when they saw the meat they said, hold on, you guys are not getting this back. And we were so relieved that they took the meat instead of...but in later years it also struck me that not withstanding their relative better position, that perhaps they were also battling in their own ways – these were working class white people. So that was the environment within which I grew up. The Marabastad was a kind of, I wouldn't call it a hotbed of activism but there were lots of activities going on there, you know, Republic Day, there would be demonstrations and protests and it was fantastic growing up in that environment.

Int Was it a mixed racial area in terms of blacks...Africans, Indians and coloureds?

JK Yes, it was, except that there were sort of demarcations in terms of streets. So west of the street would be the coloured area and on the other side the Indian area. There were separate schools but there was a fairly high level of social interaction and people interacted, fell in love, married across those lines, largely Indian and coloured. The African area was further down, so yes...and then I had an uncle as well who was the local lawyer's agent. How it would work is that if people in the community wanted to see a lawyer, they would first come to him, and he would then, almost like a paralegal, give them some advice on their case, and take them...I'm sure he would have got a small fee for that, but he was almost regarded then as a lawyer. I mean, no-one would go to the law firm without going through him. And so growing up in that environment he also began to introduce this thinking of, you know, a lawyer, but I never consciously had...a lot of people say it was my dream to be a lawyer, no it wasn't. Although my mum wanted me to be a doctor, very much so.

Int Really?

JK I suppose because in the kind of Indian community the prestigious profession was...and I recall even after I'd passed my first year at law school and I thought I'd done reasonably well (laughs) and she came to me and she said: you can still go to medical school if you want to (laughter). So I'm not quite sure if she ever quite got over the fact that I didn't want to. She's much happier now because my eldest daughter became a doctor. And so it was that kind of environment within which one grew up. And then moved from Marabastad to Laudium, which was courtesy of the Group Areas, which was very traumatic as well for people because what it did, it really shoved a community in some desolate area. But more than that it broke up bonds that existed between families and friends. Because what had happened is the area was then demarcated, African people had to go to the African townships, coloured people had to go...so people had known each other for like 40 years, who were best of friends, were overnight living in different geographical areas on opposite sides of the city. And I'm not sure if we quite quantify the kind of damage that did. But also interestingly growing up in Marabastad is that I attended a very interesting funeral. That was the funeral of Dr. (Hendrik) Verwoerd.

Int Gosh...

JK I mean, we didn't know at the time, we were young kids, and he was buried in the same street in which I lived. It's called Cowie Street. It runs from the city centre through the Marabastad. And we didn't know who this chap, (Hendrik) Verwoerd was, we were young kids then. And we saw some of the...that's the contradiction of apartheid as well, we saw some of the coloured ladies dressed in black and walking up the road and looking quite teary so we followed to say, you know, what's this? And the sort of strong security presence didn't worry about some kids and they let us through. And we had a sort of vantage spot watching the amazing procession, I mean horses and cannons and guns, I mean, it was something that you never saw in real life. And it was clear it was a funeral and we found out later it was the funeral of Hendrik Verwoerd. Many years later when I went to see Dimitri Tsafendas, he's the guy who killed (Hendrik) Verwoerd, the first thing he said to me: do you know who I am? And I said: yes, we all know who you are, you're Dimitri Tsafendas. And he says: do you

know I killed Verwoerd. I said: yes, I know, I went to his funeral. And for the next half an hour I had to convince him that Verwoerd wasn't my friend (laughter), that I just happened to...and so after Laudium I then...

Int Sorry to take you back, in terms of the forced removal, with your family, I was just curious what age you were when this happened?

JK I was 11 years old.

Int You must have made friends, you must have had a... allegiance to the area you grew up in and I wonder how you experienced this kind of removal?

JK Well, the area was...and that's...I think, perhaps that's the resilience of working class people, I mean, the area was nothing to write home about. It was tin and beaver board, difficult conditions, we would share a communal toilet, ten families would share one toilet, but as things progressed, families would then build a toilet within their home so that you had your own toilet and stuff like that. But there was a sense of community and that was great, and we had fun because the river was close by. And then when it was evident that we had to move, the government did a lot to convince people to move to Laudium and they managed to convince my family as well that it was in your best interests to move. The land was sold quite cheaply so people were encouraged to move. But I recall in my first year I just refused to go to school in Laudium because I was so accustomed, that I travelled daily by bus, just because of this is the area in which I felt most comfortable. But there was another reason as well, a more important reason maybe. I had to go to a mixed school in Laudium, and I'd been to boy's school all my life, and so my first day I said to my mum, I'm not used to all these girls in my class. I mean, I got to like girls later but then it was...so yes, I think it was...it was difficult to be honest with you, because you had a more comfortable home now, and for a while you could imbibe some of these new comforts. At the same time you lacked the kind of wonderful sense of family and cohesion. You know, we lived in a yard that had about 12 units and you would enter the yard from the front and all that would separate each home was a thin beaver board. People said that the walls were so thin you could even hear your neighbour change his mind (laughter). It was as bad as that. And you could peep through these things and see all kinds of things you were not supposed to see. What is wonderful about that is that you had 11 mothers. You know, my mum would work in a factory in Doornfontein; she would take a train to come back to Pretoria, take a bus from the station and often would come home late. But she would often say to me that she would never worry while she was on the train or on the bus if there was a delay. She would never worry about what was happening to her children because she was almost guaranteed that her children would be taken care of and have a meal and that's what you lost when you...and I think when you look at some of the social problems today, you can perhaps trace it back to almost the loss of that sense of community and that sense of cohesion. And certainly the area in which I'm living in now is a very nice area, but it hardly begins to compare with the kind of social cohesion, the sense of compassion and camaraderie people had. The sense of people looking out for each other. I mean, when we had to take castor oil, you know, once a month all the kids would have to take castor oil because it was a great laxative. And there was no negotiation, I mean, if one auntie said, today is castor oil day, then

all the kids in the yard, would line up to take their castor oil (laughter). That's what was wonderful about that as well because, you all at the same time knew that if you did anything wrong...I mean, there were these 11 pairs of parents that were there to watch over you but also to reprimand you. So yes, there was this wonderful sense of growing up there.

Int You grew up in Laudium and then in terms of going to university, what did you decide on?

JK Well, as I grew up in Laudium and I suppose with the influence of my uncle who's now late, a career in law began to appeal to me. I think for two reasons. The one was: the sense of speaking to my mother of their experiences with lawyers and the sense that lawyers could make a difference in people's lives. But my uncle would also bring the glamorous side of being a lawyer, you know, it's great, it's prestigious, and lawyers are respected, etc. And so for those, I don't know...not really substantial reasons, I gravitated to say maybe a career in law would be...and so when I finished school, I had to go off to law school, and at the time I only could go to the University of Durban West in terms of the...

Int Was this because of Group Areas?

JK The Separate Universities Act. Because they offered a law degree there, you couldn't then go to any other university. I think the way in which the Act applied was that you could only go to a white university if your Bantustan university didn't offer the degree. And so I spent two years in Durban. It was two hectic years because it was '75, '76, the disruptions, the student boycotts, what had happened, Soweto had touched universities. And in my third year of study moved to Wits, under very strange circumstances, I mean, my mum and dad...Wits University was then regarded as the best South African...it had a fantastic...and I suppose being in Durban for two years you could also get a sense of the kind of poor quality of education. You would have law graduates fresh out of an Afrikaans university, lecturing to us, people who couldn't even speak adequate English. There were some exceptions. So at the one level you were not getting a...and secondly, the fact that Wits had this amazing international reputation and for most ordinary folk, and my folk were just ordinary folk, and if you had a degree from Wits University it mattered much more. And so in the first quarter of my third year, they went across to Wits University.

Int You said under strange circumstances.

JK Yes, they went across to Wits University armed with my first two years results. They tell me the story, they got there and they said they want to speak to the person who's in charge of law students. And they were taken to John Dugard (laughter) and they went to John Dugard and they said: look we have a son who's studying law and we think he's perhaps a bright chap and this is his results and we'd like him to come and study here at Wits. And he immediately agreed.

Int Your parents sound like remarkable people.

JK They are, and my mum is still around. She's 82 years old and my dad is 79. She's still trying to build an old age home and fighting with the local authority and when I go and see them they say, look, we'll fight with you any day. Can you rather ask your mom to ask you to do the work (laughter)? I say, no you deal with her, that's good for you. And so there must have been paper work that had to be completed but in principle he said, that's fine, and that same night I got a call while I was at the university, my mom saying, you've got to come home tomorrow. I mean, it was one of the worst things that I had to hear, because I was just enjoying being a student in Durban. Durban was a fantastic place to be. And so I came, together with a couple of other students, Yasmin Sooka came down about the same time, and a guy called Goolam Laher, and Sean Naidoo. Actually there were the four of us in the law class. We were all students at Durban Westville and we all came down. And then I completed my degree at Wits, did my articles with a law firm in Pretoria.

Int Was it a commercial law firm; a progressive law firm?

JK No, it was a conservative law firm. It was very difficult to get articles and it was again under strange circumstances. By then my dad had stopped being a waiter and he was in a cartage company moving stuff, and he'd gone to they guy's house to help supervise the move, he was moving down to the coast, and the guy he'd gone to was a retiring partner in this law firm and he got talking and said, look, my son's a law student and the guy said, ok, if he wants to, he can come and do some holiday work at the firm. And so I had to go and work there during varsity holidays just to get some experience. And then they offered me articles and I stayed with the firm for...and it was fantastic being with the firm.

Int What was it called?

JK It was called Savage Jooste & Adams. Largely commercial firm. But what was interesting about the firm, that there was an incident that meant that I would not be able to continue my career with the firm. It was quite acrimonious. What happened is that I was writing my attorney's admission exam and I needed some time off to study for my exam and I needed two days of leave. And when you do articles in a law firm you rotate between different departments. You do companies work and transfer property and criminal cases. At that stage I was working with a partner that dealt with companies and deceased estates. And he said to me, fine you can have two afternoons off but you've got to come to work in the morning. And I said that's not going to work for me. And I just need two days. And he said, well, ok, you find somebody who can do your work for two days. And it was difficult getting another clerk because all the clerks we were overworked generally. So there was a woman working there, a wonderful woman, who then spoke to me and said: are you having a problem? And I said: yes. And she said: look I'll do your work for two days. But she was a qualified lawyer. So I went back to this guy and I said: well, she'll do my work for me. And he said: no, she can't do your work for you, she's a qualified lawyer, you have to get a clerk. And I said: no, that's unacceptable. I'm telling you now I'm not coming to

work for the next two days and the firm can do what it...because I had to think this was my future that I had to also think about. But then I pointed out to him that I thought it was racist, because there was a woman who was an article clerk, who was given a month's leave almost, to study for UNISA exams towards a degree. And I compared this exam on the same level as getting a degree. And two days in comparison to a month. And I also established then that this attorney did assist in doing this woman's work, so I thought, why different practices, you know. So I went to him and I went to another partner and I said to them: sorry, but...and I didn't come to work for two days, wrote the exam and then came back to work. And then there was a whole lot of drama there. Said I didn't obey authority and etc, etc, and they tried to resolve the matter. They called me and said: well, we'll resolve the matter. And I said: how are we going to resolve it? At that stage I'd only done six months of my articles – I did two years of articles. They said: you can try and find another job, but while you're looking for another job, even if it takes you a couple of months, we'll continue paying your...and I said: I don't want that, I mean, I want to learn to be a lawyer. And this is my articles and that's it. And if we don't resolve it then I'll have to take it to the Law Society. And finally they called me in and said, one of the partners who knew me better, said: look, they're going to call you in and they're going to sort of reprimand you but please just keep quiet, just shut your mouth and accept that maybe you over-reacted. And so I continued my articles but that meant that my relationship with the firm would end when my...but the guy working at the firm was Brian Currin. Brian Currin was the founder of Lawyers for Human Rights. He happened to be a junior partner at the time, although he wasn't involved in that kind of work. But the firm would do a bit of that work but it was very frowned upon. The senior partners didn't like going into townships and getting involved in it. Then I started my own practice. And then very soon was actually involved in doing the kind of work I did during the eighties, representing youths in townships, who were involved with the law, guys who were throwing stones or burning schools, but also that linked up with Priscilla Jana. Priscilla Jana was quite a well known attorney in Johannesburg and our firm would do all her work in Pretoria. So all the cases that had to be done in Pretoria. And so for...yes, from '81 right up to about '91...but it was a mixed practice because I also lived in a community where people needed, and so you would do divorce cases and criminal cases but also do this kind of work. And it was ok, because this work also paid some money, as opposed to the work you do in the community. You know, when people consult you in the community, up to now, people don't have a sense that you're consulting a professional and you...they'd have supper and then they...it happens to me up to now. After they have supper they ring your doorbell and say: Hi Jody, how are you doing? I just want to ask you something. And then they'd come and spend an hour and a half. And, you know, if you're part of a community you can't say to someone hold on. Unless you're absolutely busy and it's very bad. But you sit and...that was the way in which you conducted your practices. So during my period in practice, I then began to work quite closely with Lawyers for Human Rights. How Lawyers for Human Rights would work is they would ask lawyers to do work on their behalf as well, and I would do lots of work in terms of death row work, doing petitions for people on death row, taking applications to the High Court, etc, while doing the other work that Priscilla Jana's office would generate and that really the suburbs of Pretoria, Atteridgeville, Mamelodi, Shoshanguve, sometimes going as far as Warmbaths, representing people in most, of those communities. Brian Currin then approached me and he said: look, the ANC and

the government were in the process of negotiating the Groote Schuur Agreement which provided the release of political prisoners.

Int This was '88, '89?

JK Yes, but this was about '90, I think. And there was a need to develop some capacity to assist with the administrative process with regard to the release of political prisoners. It had to be done on an individual basis. So they asked whether I would co-ordinate a program like that. And I agreed but I said that I would have to do it from within my practice and we'd set aside some offices and we got some staff and we did that. But as things happened I was spending more and more time doing work for Lawyers for Human Rights and the work in my practice less so. Until finally it almost became inevitable that I then closed the practice, moved up the road and took a full time job at Lawyers for Human Rights heading a prisoner project, the penal reform project, and looking at the death row issues, but also generally prison reform and the rights of prisoners. And then moved up from there to being a project co-ordinator and then became the National Director.

Int Of the Lawyers for Human Rights. And how long did you do that for?

JK Only for two years. It was '95 and '96. In December '96 I then was appointed as a Commissioner on the Human Rights Commission. I probably would have been there longer, I really enjoyed the work, and I really had no intention of joining the Human Rights Commission, but a vacancy had arisen and I'd gone to visit the Human Rights Commission in Johannesburg. And the then chair of the Commission, Barney Pitso, said it would be great if you came to work here. And I said, oh well, we'll see. And then Bulelani Ngcuka, he was the former head, he headed the Justice Committee in Parliament, and he called me and he said: look, I spoke to Barney (Pitso) and he said you were interested in the Human Rights Commission, why haven't we received your CV? I said I wasn't sure. And he said: look, please send it along. And so as things happened I sent the CV, got interviewed and was appointed as a Commissioner on the Human Rights Commission starting in December '96, Jan. '97. And have been there since that.

Int In terms of the 1980s...it was the most horrific time in the country's history, I'm just wondering in terms of the types of cases you took, what are some of the cases that you felt were very rewarding and also probably challenging as well?

JK The case I enjoyed the most, both because of its outcome but also because of the privilege of working with some of the best legal minds in the country, was the case brought by six South African doctors against the Medical and Dental Council. The challenge was really brought against the Medical and Dental Council because the Medical and Dental Council being the statutory body that regulates the conduct of medical practitioners had not taken any action against Dr. (B.J.) Tucker and Dr. (Ivor) Lang, and these were the doctors who neglected to...and it was a long shot case. Because we were dealing firstly with a conservative medical profession, but more importantly with a conservative Bench. But it was a fascinating case.

Int And this was, Wendy Orr who brought that to you?

JK No, this was Dr Frances Ames; she's a neurologist at Cape Town. Dr Joe Variawa who was quite involved in Black Consciousness politics at the time and he's now very senior doctor at Johannesburg Hospital and a lecturer at Wits University. There were 6 doctors. We brought the case because they felt the failure of the Medical Council reflected on the medical profession, and as medical professionals had a duty to seek justice. And so the case went to court and it was fascinating because for the applicants, and we were acting for the applicants, our office in Pretoria, Priscilla Jana's office in Johannesburg. We had 3 teams of advocates each dealing with a specific aspect of the case. The one team was led by Advocate de Villiers, a very well renowned senior counsel from Cape Town. The second team was led by Ismail Mohamed and the third team was led by Sydney Kentridge. Now can you imagine, you know, as a young lawyer, working with that kind of legal icons. And interestingly Judge Boshoff who was the Judge President of the Transvaal then, found in our favour. Found in fact that the Medical and Dental Council had a duty to convene disciplinary enquiries into the conduct. Subsequently to that the Medical and Dental Council did conduct an enquiry but just gave them a sort of very light reprimand. But the principle was established. I mean, we didn't hold out much hope that the Medical and Dental Council was going to take tough action, but the very fact that we got a court order compelling them to take that action. I was involved as an attorney at the seat of the court as well in some very interesting criminal trials, the Delmas Treason Trial.

Int How were you involved in that? George (Bizos) was also involved...?

JK What would happen is, when...the trial was held in Pretoria so Priscilla (Jana) would appoint our firm to assist council in the court and do lots of other kind of little things that you never thought you'd do as a lawyer, buying birthday cakes and taking to detainees on their birthdays (laughter) and that kind of thing. But it was those kind of days when your relationship with the client wasn't just a client relationship, you identified with the cause that people were fighting for. And then there were just your ordinary run-of-the-mill cases of kids being arrested daily on public violence charges, on housebreaking, because they entered a school premises, on intimidation charges, protest in the township, etc. That kept one busy bringing court applications for permission to hold meetings and that was refused, taking the matter to court and challenging that. So yes, it was a practice, it was pretty hectic.

Int I'm also curious, you were at Wits University at a time when the Legal Aid Clinic had been started by Felicia (Kentridge) and there was talk of course of starting the Legal Resources Centre, which then started as you know in 1979. How privy were you to the kind of areas of public interest law, did you work at the Law Clinic? What was your experience?

JK No, I didn't work at the Law...I was there for two years to finish my BProc degree and after that did my articles but studied part-time at Wits. My involvement was more

with the Black Students' Society, with Margaret Bam and people like that. During our time there we did follow the work of John Dugard quite closely. He would take cases in terms of the Group Areas Act and as a class we would go and listen to the arguments, etc, in court.

Int In terms of, you said you were involved with the Black Students' Society, so what was the relationship at that point with NUSAS? Had it split and...?

JK I think at that stage black students at Wits still felt very much on their own. There wasn't a sense...it was either, there wasn't sufficient trust, I think, in terms of white students, but also black students felt the need I think to form and retain an organisation that spoke to their own identity and their sense of uniqueness at an institution that was largely untransformed. Certainly in terms of the student profile, certainly in terms of the lecturers, certainly in terms of the university's own place within the broader society, yes.

Int In terms of the Legal Resources Centre, at what point did you then get the first association with the Legal Resources Centre?

JK When I was with Lawyers for Human Rights, some might say there was some competition between the two organisations. Lawyers for Human Rights was kind of lobbying, advocacy, very much in your face public organisation. Whereas I think the LRC's style and approach was considerably different. I don't think the LRC saw itself then as a lobbying advocacy organisation. Essentially an organisation of lawyers that would take on cases on behalf of their clients and so the nature of the work they did and the relationships was very attorney client. So...yet both organisations were moving in the same direction. And the Lawyers for Human Rights began to also do legal work; although it wasn't the only component of their work, nor was it I think the sub standard component of their work. There was a component of their work that involved taking cases to court. And the offices of the LRC in Pretoria were quite close to Lawyers for Human Rights. And invariably we would begin to refer matters as well. Because I think there was a recognition even amongst Lawyers for Human Rights then that the kind of expertise and the kind of gravitas that you would need in some cases would be found within the LRC. So that was broadly the relationship. I wouldn't say it was a close relationship. We would certainly meet in structures where the legal fraternity outside of the establishment would reflect from time to time on how to deal with common issues, yes.

Int So you might have worked with Glaudin Kruger at Lawyers for Human Rights?

JK I know this name...hold on...

Int Yes, I think she was involved with Lawyers for Human Rights, and then there was a lot of association with Nic de Villiers at the Pretoria office.

JK Ok. Was she at Lawyers for Human Rights, Glaudin Kruger? I know the name, but I'm not sure if she was full-time because Lawyers for Human Rights also had members who were in the profession and who would do work on behalf of the organisation.

Int Sure, I think you're probably right, yes. So at what point then did you get approached to be a Trustee?

JK Ok...Bongani Majola, whom I got to know and through sort of informal networks, you know. At that stage I was in the Human Rights Commission. Approached me and invited me to a lunch with Basil Wunsch. I think Basil Wunsch was the chair of the Trust at that stage. And we went and had a lunch in his chambers and he said they would very much like me to join as a Trustee; they had discussed it with the other Trustees and there was an indication from the other trustees of a willingness to invite me, and would I be willing to. Obviously by then I'd spoken to Bongani (Majola) about...I wouldn't have gone to the meeting had I not been interested. And clearly even then it was recognised what an important organisation this was, and I certainly thought it was an honour to be invited to join and I joined the organisation and became a Trustee. And in the early days was quite involved in some of the activities, not because of any expertise but because I was one of the Jo'burg Pretoria based Trustees and there were not many of them, so it was quite convenient to call up local Trustees whereas the other Trustees were spread out around the country. Yeah, and then shortly after that, I can't remember how long, it wasn't too long, you know, Basil Wunsch took ill, and we were in a Trustees meeting and the issue of appointing a chair came up and this chap Mahomed Navsa, he's quite impulsive sometimes. I mean, I would have hoped you would have waited for tea break and chatted to me. And he just in the course of the meeting said, well, look you know, I'd like to propose...I mean, I was nowhere near ready for it and was inclined to say no. And almost I think said...but I think they just wanted someone to be a chair. Probably they were not thinking about whether this is the best chap to be a Chair but they probably thought, hold on, we just need someone to be a Chair. And so I became the Chair then.

Int Ok, so this was 1999, 2000?

JK Probably then, you know, as I was driving here I was saying, you're going to ask me exactly when I became Chair, and when I tell you I don't, you're going to say, what's happening, this guy's got a bad memory or is it a lack of interest. I can't remember the exact date but...

Int Alright. Well, suffice it to say that you've been on the Trust for at least 8 years?

JK So it's about 7 years I think. I probably was a Trustee for about a year. And certainly, I mean, it's been an interesting time for the organisation.

Int In what way?

JK There have been some difficult times as well.

Int What are the difficult times?

JK The one was the need to begin a discussion around whether the organisation remains an organisation exclusively focused on litigation. And trying to move beyond that while not diluting that amazing resource. And what really made the organisation and what do they characterise it as a world class organisation is not its lobbying skills or its law reform work or its submissions to Parliament. It's the work it does in the courts. And so one wanted to ensure that whatever you did you didn't dilute that, but recognise at the same time that there may be spaces to achieve those same objectives using different forms. Law reform for example and almost beginning to see the organisation not as a stand alone organisation, and that I think was one of the problems of the LRC. It was regarded as a great organisation, but I think it was also regarded as a kind of elitist organisation. You know, with top class lawyers who would sometimes look down on other lawyers. Maybe they justified in doing so because they were so clever, but it was sort of removed from, and I think part of the kind of thinking we were also looking at is how such an organisation also begins to work with other organisations occupies an important space within the broad family of civil society organisations while retaining its independence and that which it has to do. And I think that process is still ongoing; I'm not sure if there's complete buy-in to that, I think there's still patches of, I wouldn't call it resistance, but cynicism about that role. Particularly a lobbying role, a law reform role, a role outside of our borders. People raise questions about that continuously but I think there's a sort of critical mass of support for moving in the direction cautiously. And I think Janet (Love) coming on board has certainly helped because as a non-lawyer and as someone who is quite steeped in civil society, in the kind of relationships, it almost comes naturally as well to begin to...and we've seen it happen, it hasn't caused any damage to the organisation. For example, I sit on the South African National Aids Council, but there's a law and human rights sector, and the LRC plays a vital role in that sector. Recently with xenophobic violence for example, the LRC was part of broad network of organisations that the Human Rights Commission called together and said how can we...and I think it's contributed towards both advancing its objective but also better understanding of the organisation in the context of a society and breaking down, I think, at some level, the kind of barriers that did exist between the LRC and broader civil society in South Africa.

Int On the point of Janet (Love) as the National Director, you mentioned that she's not a lawyer, now some people have argued that one of the problems associated is that she's extremely senior in the ANC, and for the LRC to function as a public interest law organisation, to have someone that senior in the ANC is a definite conflict of interest. How do you view that as a Trustee?

JK I was given the sort of task of actually having explorative talks with Janet (Love) before we...

Int You and Mahomed Navsa?

JK Yes, we did the formal interviews but I know the first meeting I had with Janet (Love) was in Pretoria, and the second meeting, so I had two meetings just on a one on one with her. And clearly even when her name had come up, this was identified in advance as a possible...and it was raised with her, because it would have been a concern for us as well if the National Director of the organisation's political positions would in any way impact on what the organisation has to do. And apart from the commitment she'd given obviously to the work, which can only be a commitment, we would have to test the commitment in terms of the actual work done by the organisation. I think since the time she's come on board, the kind of cases we've taken, most of them have been against government, against police, so there certainly has been no evidence that her association with the ANC has in any way affected her loyalty to the mandate of the organisation. If anything someone might say, well, she's been keen to want to demonstrate that independence and so sometimes show greater flair for being adversarial than try to seek consensus because of that. But I think she's a person of great integrity and I think...I mean, if you look at the cases taken against government in the context of xenophobic violence and just generally the kind of work that the organisation does, there certainly hasn't been a sense that we've picked up as trustees where a case is ready to go to court, the National Director would say, hold on, let me speak to a colleague. Because that's what you would expect almost. Not to dilute the thrust of what you want to achieve but almost to suggest, hold on I can do this differently. If I can achieve what we have to achieve here by speaking to cabinet minister X then surely we've, you know...I don't think she's used that, even though we might want to debate whether using that might be something, but we haven't gone that road and I think it's beset with considerable pitfalls. Because I know in the Human Rights Commission once you start a process of negotiation and dialogue you often reach a compromise that is perhaps far removed from what you wanted to. So no I don't think that's been a problem.

Int How do you conceive of the role of Trustees leading the LRC?

JK Well, that's a difficult question because Trustees themselves have had to grapple with their own roles, and there's a mixture of understandings of what those roles are. And that's exacerbated I think in part by the fact that many of the Trustees who worked in the organisation were lawyers or employers of the organisation. And...I mean, I think we may need to debate at some stage how healthy that kind of continuity is. It has its advantages, but it sometimes blurs the distinction and the role that a trustee must play. And the consequence of that is that some Trustees tend to play too much of a managerial role, and I think we want to avoid that. When you appoint a National Director you want to have the National Director have a clear sense of what is her mandate and be there to provide that support. And I think we're beginning to move in the right direction with new Trustees coming on board or with a greater more discussion precisely with regard to what those roles should be. But I would think that the role of the Trustees and currently many Trustees see this as the kind of fiduciary role. The role in looking at the finances of the organisation, looking at the long term sustainability of the organisation, looking at realistically difficult as it may be, set a kind of margin where we think the organisation will be able to function from a

financial point of view and try to work with them. So we're now looking at 33 million rands is the kind of organisation that is sustainable. And then secondly looking at how with the resources, you know, very strictly speaking in the name of the Trust even though the Trust is not substantially involved in those fund-raising activities, are then made available. And on regular basis receiving reports from the National Director, both in terms of the financial management of the organisation, but also in terms of where the organisation is going in terms of its vision. Trustees play a role for example in the annual strategic planning sessions that attempt to unpack that vision. And then the Trust Committee plays a greater role than the broader Trust does. The Trust Committee consists of about five Trustees who on a monthly basis interact with the National Director on key issues, significant cases, finances, budgets and shortfalls, key staffing issues. Just to get a broad sense but also it allows the National Director to bounce things off Trustees. And sometimes it's very difficult to draw the line as to what should the National Director bring. You know, she would sometimes bring a matter simply because she thinks as a matter of courtesy she should inform the Trustees. The Trustees may misconceive that role and say, well thanks for bringing this matter to us, can we have some more information on it before we take a decision. Whereas the matter is not brought for decision, it's just brought as a matter of courtesy. So those are some things that we have to navigate through. But I think she's the kind of person who knows what she has to do, who knows where her authority lies, and would protect that space, but at the same time she's not averse to engaging with the Trustees as long as the Trustees...the Trustees don't play a significant role in actually raising funds. I mean, and it's something that Trustees have said we want to be involved. But they see that involvement as not leading the process but as supporting the process, so I won't imagine that any of them would have a problem if they were told we need to approach – and that has happened – we need to approach this donor or we need to approach that company. Do any of you guys or ladies have any dealings with them? If so can you join us, or if not, can you be part of a delegation that's going to see. And I have met with donors from time to time just to talk about the work of the LRC. But I don't think that's happened at...it's been quite irregular, that kind of trustee...which may create tensions as well. The LRC may say, well, here's a bunch of guys who really don't do much in terms of raising the money, but have so much of say in how the money is to be used. You know, how do you deal with that. So there have been in the past some serious discussions about the role of trustees and the LRC and some regional directors had raised specifically those kind of issues, and we had a discussion about whether you needed two separate organisations. You know we have the Legal Resources Trust and the Legal Resources Centre, which is somewhat unusual. Because in most organisations you'd have an organisation and a Board of Trustees in respect of the same organisation. But you're probably aware of the history why this was done in order to probably protect the assets and the money that was going to be raised in the event of any government threat on the LRC. But it's just become so normal that even at regular levels we talk about it and people just say, oh that's fine, let's just leave it as it is. I think it's also good because it, maybe artificially, but it insulates the judges who sit on the trust from the LRC. And I think that's important as well because certainly at the level of the trust we don't take decisions on individual cases. You know, we could be consulted on general areas of work and we may say Environmental Law is an area of work that we think the organisation should be involved in, or disability rights, without having to decide on individual cases that happen at the level of the LRC.

- Int It's interesting, you've brought up a range of issues, and one of which is... I can see totally your point of how people who've been involved in the organisation as lawyers, etc, then being on the Trust and then wanting to have much more of a hands on kind of dealing with the organisation and that can lead to problems. But my sense is, particularly from attending the fund-raising event on Saturday night, is that many people don't seem to have a sense of the history of the organisation. And I'm wondering if you don't think that that's quite important for people who've actually been associated with the LRC from 1979, particularly during the 1980s, to have more of a consultation role with the organisation?
- JK I'm trying to understand that, 'to have more of a consultation role'...?
- Int Well, as Trustees that they would have a sense of what the organisation, how it was set out, the history, the genesis, and also the... LRC has been renowned for during the 1980s of having been very cautious and then having survived the apartheid regime due to its measure of caution under Arthur Chaskalson.
- JK Ok. Look I think there's value in that and there's value in that sense of continuity. The only issue I was raising and I still think that it's an important issue is that perhaps we consciously don't reflect on what being a founder or an employer organisation means as opposed to being a Trustee, and perhaps helping people in understanding the transition and what is expected in a new role. So I do think there's value in that and I certainly think that in some of the discussions that value has been quite powerfully felt. But I've also picked up areas where there's a clear overstepping of the mark, not in bad faith, almost out of the sense of loyalty and concern for the organisation. So much so that on one occasion you had Mahomed Navsa come in and spends a couple of months during his long leave or during recess, just assisting with doing some basic stuff. Now you might say, well, if you want to draw the line as clearly as you want to, then that shouldn't happen, and yet it happened and it happened at a time when we needed it to happen, so yes.
- Int I'm also wondering, in terms of...you mentioned the LRT and the LRC and those two separate organisations and of course there was very good reason for setting it up that way, but in terms of actually knowing what the LRC actually does on a day to day basis, what the challenges are, what the organisational dynamics are, I mean, are you going solely on what the National Director tells you, or do you ever conduct independent audits and evaluations?
- JK Um...we don't, as a matter of course, conduct independent...we largely rely on the reports of the National Director, but we also receive reports from regional offices on an annual basis, so Regional Directors have the opportunity to...and then Regional Directors participate in the AGMs and the LRT meetings as well where they have an opportunity. But by and large we would rely on the National Director.
- Int I was also wondering, for example, on Saturday at the fund-raising, most of the key people in major law firms have come from the LRC, there are about 19 judges who

have come from the ranks of the LRC, but most of them were not present at the fund-raising event. What was your sense of why that might have been?

JK I was quite disappointed I must say. And the last fund-raising event that we had was at the Hilton, and I think we sold close to 35 tables. Speaking to some of the staff it was evident that not enough effort had gone into...so I think to the extent that people didn't come it wasn't that they'd chosen not to come.

Int They weren't informed?

JK Exactly, I think, because some of the staff told me that they had during the course of the week met lawyers and business executives and mentioned to them this was happening on Saturday and people said, well, we're not aware of it. And staff then asked would you like to buy a table and they said, oh, it's a bit late now, three days before the time. So I think we need to examine...and I think that's when you look at the auction as well, it's...because most of the people who came as well, I think there was a lot of staff...

Int Admin staff?

JK Yes. The people who bought tables probably didn't come. They bought tables and either said to the organisation, look, here's 20 grand but we're not going to come. So I don't know if enough was done in terms of the marketing. On the previous occasion we had reached a point where there was concern about the tables that we'd sold and who was coming. And a couple of Trustees then went into the offices of the LRC. This is now blurring the role again. And sat down there for a couple of hours over a few days and began to make calls to a few people...

Int But that proved effective?

JK Exactly. You know, it was actually not selling them it was just saying, we're calling the mark. We discussed this matter at our regular trust tele-conferences because most of the time when the Trustees meet we don't do it face to face, we do it on the telecon. And this is the kind of role where you...how much information, you know, we were told about the auction, we're having a small scale function, not a big scale function, 150 tables and the sales are going reasonably well, so...I think in fairness though to the LRC and we raised it at the level of the Trust, I'm not sure if we allocate sufficient resources to just not events like this but fund-raising for the organisation. I mean, you have two people who are essentially responsible for the fund-raising and for events like this, and we've consistently said that the organisation should improve its fund-raising capacity because apart from fund-raising, what you picked up earlier is the organisation has a fantastic profile, but the profile is known more to the older generation of lawyers...

Int It's not historical?

JK ...rather than young lawyers coming through. I mean, Mondli Makhanya wrote something in the Sunday Times this week on the Grootboom case, and in the context of that same article mentioned the Legal Resources Centre. But I'm not sure if enough young people know about the LRC, etc. So I don't think the organisation does enough in terms of marketing itself. And again we've raised that, saying that if the organisation for example secured 800-1000 words once a month in the Sunday Times or the Sunday Independent, given the organisation's profile, I'm quite sure that that space could be secured easily. It wouldn't come at any cost. And we encouraged Janet (Love) or the other lawyers to write 800-1000 words piece on any critical issue. Whether it's on the judiciary or socio-economic rights or whatever, that would be powerful just not in terms of its public education role, but in terms of keeping the organisation's name and what it does alive. And it's things like that that we've raised consistently that can be done with little cost. But I'm not sure if the organisation has moved out of that mould of saying, look, we do the work, we're not worried about the profile and the publicity of the work will speak for itself. The terrain has changed. There are many other organisations doing similar work: the Women's Legal Centre, Lawyers for Human Rights, The AIDS Law Project, I mean, they all do good work in their speciality areas and they get a lot of mileage out of the work.

Int But why is it that... in terms of the Legal Resources Centre it has, as you say, the Grootboom case, it's done the TAC case, so it has effectively taken on government in post apartheid era...but in terms of...for example, the Constitution Litigation Unit, what exactly has it done in terms of major cases, and particularly currently when the Constitutional Court is under attack, the Constitutional Court judges are called counter revolutionaries, and there is in every day discourse, particularly in the media, there seems to be evidently a lack of disregard for the rule of law?

JK Well, the LRC hasn't done too much. Hardly anything in those areas. And I'm not sure if it's partly because the LRC still sees its role substantially in taking cases. As opposed to...because the interventions you would need there would not be legal interventions. It would be publicly speaking out. Certainly in the context of what was happening with the Court, I don't think it would inappropriate for the LRC to speak out. Given its connection to the system and given the importance of having an independent judiciary whose integrity is protected for its own work, so if it needs to find a link, it will find that link. So I'm not sure if it was just the fact that this thing is so political and...which is tricky in a sense, because the LRC enjoys, I think, broad respect in the political spectrum, left, right, centre. This attack that is launched is part of the broader political agenda. And maybe we should debate this, the LRC's involvement in this. Important as it must be I think, will have consequences.

Int In what way?

JK Well, what will happen is the LRC will come under attack. Those who don't like the attack, those who are attacking the Court, will then say, well, the LRC is part of this conspiracy...

- Int The LRC is independent of government funding?
- JK It is. But in this process, I mean, that hasn't been a factor. I mean, it's been quite vicious. And that's a likely outcome of an LRC intervention, that the LRC is said, well you know...we always said this was a kind of a white liberal organisation and now you've proven that true again.
- Int But by its mandate as a public interest law organisation, it is actually supposed to take on government...?
- JK I think it must but what it may not have done is work through the consequence of that and how you manage that. I'm not saying you mustn't do it but I think you should be smart enough to know this will be the consequence of that and how do you manage that. I sometimes think the LRC is reluctant to get itself dirty. And sometimes staying out of stuff like that. Because even in the cases it's taken, it's taken those cases on behalf of clients, not as LRC. So you know, you've always had the kind of space.
- Int But then you hit against this huge problem where the LRC has been very effective in taking on cases against government. And if you look at the Eastern Cape and the social welfare grants it's done phenomenal work, but the fact remains that in this current dispensation it has done the work, it has received very positive judgements from the courts, but the government then does not obey court orders, so what you have is a slew of then contempt orders. And so by not taking on principles of law, and trying to set precedents on the basis of that, the LRC is unable to really take its work to the next step. And you see the clear sense of that in the Grootboom case where Mrs Grootboom, not receiving her home before dying?
- JK But I mean, the current debate is somewhat related to that but not quite because, I mean, in many of the instances, especially the Eastern Cape for example, just the total breakdown in capacity is often at the cause of non-compliance. So to the extent that there's been non compliance, I'm not sure if I would agree that the non-compliance is a deliberate **inaudible**...
- Int No, not necessarily....
- JK But if the consequence of non-compliance is nothing, then it can encourage a culture of non-compliance. Whereas this debate is a considerably different one. It's one that goes to the heart, in a sense, of the role of our judiciary. And also dealing with the issues of what we regard as an independent judiciary and what we see as the principles of accountability. And I think one can craft arguments around that, steering clear of the kind of political discourse, even though you'll get sucked into it. So I agree with you that the kind of contribution, the voice of the LRC, would have been valuable. And never mind how well it would have been worded, it would nevertheless have attracted criticism. And so it may well be that the LRC needs to do that...

Int Now curiously enough, George Bizos and Arthur Chaskalson both issued a statement saying that the judiciary should not be questioned and those who called it into question are really misguided, and also that the use of intemperate language was unacceptable. So in that sense the LRC, but it's really the senior guard that have come forward and said so...

JK Sure. But also not in their capacity as LRC. They did that in their individual capacities. I mean, I think it's a very valid issue, and to be frank with you we haven't discussed it with the National Director except in a broader discussion around encouraging the LRC to play a more visible role in the kind of debates within our society. And I think it's certainly something that I should be raising with Janet (Love). And just say, look, this is not going away, it's happening in Durban now and it's likely to happen, I mean, with (John) Hlope's court case, with his application, you know, depending on who wins or loses, this is the kind of criticism you're going to get. It's happened now in the Western Cape as well with the RAF case, where Janet Traverso has been accused, I think, of...she's not been accused of racism, but the road accident, I mean, the attorneys for the Law Society have been accused of racism. So I mean, we're using that kind of language, yes.

Int You've had, of course as the head of the Human Rights Commission, have had to deal with Julius Malema, and I'm just wondering...it's called intemperate language but it goes to the heart of human rights and rule of law and as a public interest law organisation the LRC is really effectively a human rights organisation and this kind of lack of respect that seems to come through continuously, that does give one cause for concern doesn't it, for the future of an organisation like the LRC to be able to function effectively, in spite of its fantastic history.

JK No, I think it does. And I think perhaps collectively we haven't done enough to deal with stuff like that. Maybe some people have seen it as something that will come and go in the contestation to political power. But I think that would be naïve to simply take that approach. I think there's nothing wrong in being more concerned and saying, well, if it comes and goes then that's great, but if it comes and stays then you know...because if one takes it logically to its logical progression, then it could mean that what political leaders are saying now, is that hold on, we are the leadership, there's a court out there, but what it says is not really important, what we say is more important and what we say will go. I think Matthews Phosa said something, not as crudely as I'm putting it, but well the court may have decided but it's different from our own reality. And that could close the space for the kind of work that the LRC does as well in a variety of ways. It could impose a kind of self sense, self restriction, that you don't take cases because it's so charged out there. Secondly donors could become reluctant to support the organisation if they think the organisation has to function in such a hostile environment that its prospects of being successful are minimised. What's the point of putting money into litigation when you're going to lose your cases because...so I think the LRC was very much part, and there's a bit of a contradiction there...when the judiciary bills came up, the LRC was very much part of the civil society discourse in dealing with that and sharing information and doing an analysis of it. But that's because they did it as lawyers and that's where they feel more comfortable with. What is required now is not the work of lawyers, it's really

the work of human rights activists who must assess what's happening in the country and say something about it, yes.

Int You spoke earlier about how in the fund-raising they don't have enough resources, but I'm also concerned that even as a legal organisation, previously you had this senior coterie of very well established, Arthur Chaskalson, George Bizos, etc, at the senior level, then you had a very, very strong coterie of middle level lawyers, and I can mention Charles Nupen, Moray Hathorn, etc, and then you had junior lawyers and then you had Fellows. And so there was this enormous level of expertise that filtered down and that Fellows in fact really got incredible training, and then that continued of course with Geoff Budlender, etc, with candidate attorneys. Now it seems, from what people tell me, is that, the senior level is not that evident, although George (Bizos) does come in, Arthur Chaskalson comes in from time to time, there is perhaps just one senior level person in the form of Achmed Mayet, there isn't this strong senior level, and then very junior level attorneys being made to train candidate attorneys as well as taking on very, very complex cases like land claims, etc. What's your sense of what's going on?

JK Look, I think the organisation has suffered a loss of good skilled people. But I think across the board if you look at the senior lawyers...

Int Sure, I'm talking about the Johannesburg office. Of course Cape Town office is doing well.

JK Cape Town, Durban. Durban has got, even the Eastern Cape has. So clearly over the last few years the organisation's reduction in size has also been something that we've had to manage and the consequence of that is that some people left and we didn't particularly plead with them to stay. So I think in Jo'burg for example we've identified, not just the lack of capacity but the lack of seniority. So a new lawyer is going to take up position on the first of September to work with Achmed (Mayet), but she doesn't come with any more seniority than Achmed (Mayet). So at that office it's really George (Bizos) and Arthur (Chaskalson) who provide in a sense that inspiration. And I agree that there's a limit because Arthur (Chaskalson) travels quite extensively, George (Bizos) is also involved in other work, and so the ability of the organisation to attract young lawyers, certainly is compromised. And maybe we need to ask the question then, if the organisation is going to be as small and compact as it is, should we revisit what we think the organisation can achieve? Or be more realistic in terms of what it can do?

Int There's always been attention in public interest law and particularly, you know, if you go back in the history of the organisation, Morris Zimmerman was such an advocate of, everyone who comes gets seen, George Bizos continues that tradition, but then of course practical realities do descend, and so there is this idea that the LRC cannot in fact see people who come through the doors, you know, even if their problems are significant, they have to focus on high impact litigation and focus areas, and they've done that to a large extent. But the reality is that more than 95% of people who come through the door, and there are very few people who do come through the

door, are sent away to other organisations...what is your sense of that and where do these people go?

JK I mean, at the one level and realistically, the LRC was never meant to provide a broad legal service like that.

Int Sure. But it did have Hoek Street...?

JK Yes, it had that.

Int ...it had advice centres, and so in a way...it was billed as an NGO but really also a civil society organisation...

JK Sure. But I also think that post 1994 it had to recognise the changes that were happening within our society. And in a sense the considerable improvements, for example, the legal aid system, the establishment of justice centres, the existence of other organisations that provide basic advice, the advice centre movement even though that is quite fragile at the moment. And in the context of all of that with limited resources asked itself where was its money best spent. And that's the consequence of that. It loses out, in a sense, being in touch with the pulse or the heartbeat of what is happening there.

Int You also have competing organisations, as you mentioned earlier, for example, ProBono.Org gets far more people coming through its doors than the LRC does. And the LRC, as you've rightly said, takes on cases, so it's not that someone mandates it, etc, but its cases that come through the door in a way, that then are recognised as high impact?

JK Sure.

Int I was also wondering, in terms of more generally, in the current culture, what do you think the LRC's role should be in terms of...and here I'm just asking for your opinion, in terms of what you think are the key areas of public interest work that need to be addressed in this country for the future?

JK Look, I mean, I think the area of work around social and economic rights still has lots of unexplored areas. And the LRC has done a lot of work in the area of social security for example. But in terms of food security for example. I mean, that's a major issue looking at the future, the right to access to food and water. Hence being involved in the water case. But I think issues around food security. I think at the same time the approach that civil and political rights were reasonably secured and there was really not much of a focus on that, we should just guard against that becoming a kind of permanent situation. Because given what's happening politically...given what's happening vis-à-vis the judiciary, etc, all of that goes to the heart of your ability to discharge your work in respect of social and economic rights. And so that should

remain an area. I mean, we spoke recently of the rule of law as being a strong focus area, and there was some discussion as to what we meant by the rule of law? Do we simply mean fair process? I would think that's a limited understanding of the rule of law. I would say it goes to fair process in the context of institutional integrity, and if institutional integrity is compromised then rule of law is compromised. So that's I think an important area, yes.

Int Jody, I know you've been working on the Trust of the LRC for eight years, and I'm wondering whether there's...I'm sure you have wonderful meetings of Trustees and National Directors, etc, is there a particular memory of working with anyone in particular that you really treasure, whether it's in an interview context, interviewing new staff, or something that you think is part of what embodies the LRC and that you treasure being part of the LRT?

JK Well look, I mean, it's different memories and different treasures from different people. I mean, I think of someone like Bongani Majola, who he came to the LRC as an academic, not as a great lawyer, and found himself in this organisation with fantastic lawyers that he had to lead. And the way in which he applied himself, I mean, he worked himself to death because he loved this organisation and because...and I think that's what comes out in many people, this amazing passion for this organisation. So I think those are some of the things that...but when you look at admin staff who've been with the organisation for years, who could easily have gone on, I think, to have different jobs. So I think in many ways the organisation has also given people who worked in it a sense of dignity. Just being associated with the organisation was for them very powerful and very affirming. And then obviously, you know, you get your...managing a bunch of Trustees that I have to manage, because as I said, I don't know how I got into this job, and then all of a sudden I find I have to manage High Court judges, you know what I mean. And then I wondered initially, do I just sit there and let these guys...because sometimes they go on and talk like forever, and forget what they're talking about as well, sometimes it happens on the telecon, I mean, they would go on for half an hour about something. And actually I would just carry on doing some work (laughs) and let them carry on. But I think, far from being irritated, it demonstrates...people like Richard Rosenthal, people like Arthur (Chaskalson), who worried about the minutiae, but who worry about it because they're worried about the organisation, who would read every email and who would respond to every document that's generated. I find that level of dedication and that level of passion sometimes overwhelming but I think it's better to be overwhelmed than to be underwhelmed.

Int I've asked you a range of questions, perhaps exhaustingly so, I'm wondering whether I've neglected to ask you something which you feel ought to be included as part of your Oral History interview?

JK I think perhaps one of the saddest things, is that I don't think there's a sufficient understanding in South Africa currently politically and socially, but also within the legal profession, about the need of an organisation like the Legal Resources Centre. What it does and what its value is beyond the people who work in it and the cases it does. And I think in that regard if there isn't that understanding then it can only be our

failure. Because it's not for others to try and understand us, it's for us to explain who we are. And I think the issue of the fragility of our own democracy, and I think the sense of uncertainty as we approach an election in 2009 must mean somehow that perhaps the time is right now for the organisation to perhaps stand up and say who it is, what it represents, what it is willing to defend, not necessarily to die for, but to defend (laughter). So I think the South Africans can also say, here's an organisation, it's just an organisation that you must respect, and I think it's achieved respect, it's an organisation that beyond being respected is at the heart of how successful or unsuccessful our future will be. But I don't think that connection has been made and I think the organisation shouldn't be too modest in doing that, but more than not being modest it may have certainly a moral duty to do so now.

Int Jody, thank you very much for a most wonderful and thoughtful interview. I really appreciate it.

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