

Bongi Hadebe

LRC Oral History Project

11 September 2008

Int This is an interview with Bongi Hadebe and its Thursday, the 11th of September (2008). Bongi (Hadebe) on behalf of SALS Foundation in the United States, we really want to thank you for agreeing to participate in the LRC Oral History Project. I wonder if you could start by talking about early childhood memories growing up in South Africa and where you think your sense of social justice and injustice developed?

BH Okay, so I grew up in a small village, it's in Ladysmith in a family of ten, and the most person who was around was my mom. So, we, it is just one of those places, that are not like well developed. It's just a small place and development always comes at a later stage. So in rural areas, mostly people are always affected because they don't know their rights, and they most of the time, they even if they do have a case, they learn at the time until it is at a later stage. So, what I, when I grew up, I thought you know what, my mom didn't know any rights, because she was illiterate and not educated enough, so if I grew up I want to make a difference. So, I was involved, I wanted to be involved of mainly in NGOs, because at that time, they were mainly dealing with the communities and their cases and they were promoting especially the cases where the people couldn't afford the legal services of the attorneys. So, that is why I was so interested. I tried so, for about I think for about ten months, I couldn't find a job...

Int For articles?

BH As articles. Then there was a project, that was being done by the Black Lawyers Association, where you had to apply, and then they were telling us that they were funding offices and if you need to apply, they would tell us those offices that they were funding, so I learned about the Legal Resources Centre, because it was amongst those offices, so I came here, just to find out whether they have got any positions available, I was advised that they will have but they haven't advertised. Then, I decided because I didn't have anything to do, I asked them if I can volunteer and I would assist them in anything, so I volunteered for a month, before I got the position. Ja, the cases that we were doing were so interesting because I was dealing with the communities, we would go to the communities, we go and take statements from them, then they would come here, I was looking forward to dealing with that, so it was kind of interesting for me. So, it was something that I really, really loved. I always thought from where I am up until I was here, that's the best thing I ever did was to come and work for the Legal Resources Centre.

Int Really?

BH Ja, its just one of those offices where you felt you are making a difference, you are giving back to the community.

Int I am going to take you a bit back, you said you grew up in the rural areas and you said that your mom probably wasn't empowered enough to know her rights, but you as a

young person, where do you think you developed your sense of what was right, where did you think? Why did you think that law would be a vehicle for you to create those changes?

BH I always thought that in the rural areas, the people don't know anything because they are not educated enough. They need someone from their own community, someone that they understand better to know what is going on. My father always talk about, my father was around, not often but whenever he was around, he was the kind of a person that was, better than other members of the community so he wanted me to be a police officer, actually (laughter). Ja, I got a position at some stage, as a police officer but I thought, you know what, I am not going to make a difference. What I wanted to do was educate people, is to help people, that's what I wanted to do and I have been doing that. When I go home even now, people from my rural area, usually come when I am around, they come with a problem, sometimes, they want to be hired, they don't know how to tackle some issues. I have been doing that. I don't expect any income, I know they can't afford, so it is what I wanted to do anyway, so what I am thinking now, we were talking that we want to start a project, we are going to give back at some stage, where we are going to try and help people and see how we are going to help them.

Int Where did you study?

BH I studied at the University of Fort Hare, Eastern Cape

Int Right and so you did a BA LLB or...?

BH I did the BPROC

Int BPROC, okay. And from there what made you come to Durban to the LRC then?

BH As I have told you, Ladysmith is a small place, there are about three firms of attorneys, so I have applied and applied, I couldn't get anywhere, positions. So, I thought let me just come, Durban is a bigger place and the firms would be...at least you would get to apply in different places, so I have applied here. But when I got the position, I have already found the Articles from another small firm. And I thought when they explained what Legal Resources was doing, I thought let me just take Legal Resources, on top of that, they were paying much better than the other companies as well, so it helped me as well. That's how I just came to work here.

Int Right and when you came to work here, who were your principals, what were your rotations?

BH I was working mainly with Mahendra (Chetty), but my principal, was, what's her name, I forgot her name now. I worked with mainly with JP and with Mahendra. We used to do cases mostly with them.

- Int And what sort of cases did you do, if you could talk a bit about your cases?
- BH Okay, we, we were mainly doing eviction cases. I remember when there was this big Grootboom case in Cape Town. At that stage, we had eviction cases. There were people that were staying just outside Durban, they were occupying the place and then they was also an electrical station that was being built there and then they were evicted. I think it was about more than 80 families that were staying in and when we came in we were tasked that we must go and take statements from them and come, give them information and we were also assisting and drafting affidavits and all that. We were also given the task to decide what relevant law would be applicable and then we go in-between the communities and the office, so we used to go and do that. And that was one of the big cases that JP (Purshotam) was doing at the time, interesting case, so, we were tasked with that, and it took so much time because we used to have to go there and their places and the circumstances under which they were staying were not good at all. The conditions was horrible.
- Int So, it was an informal settlement?
- BH It was an informal settlement.
- Int And what are the other types of cases that you did, besides eviction cases?
- BH We dealt with restitution cases, as well.
- Int Land Restitution?
- BH Ja, we were dealing with that, we, ja, and then we had the normal cases, where people were coming there. They were having problems with their pensions, we had other applications that were going on, that were giving us...we had quite interesting cases as well.
- Int I am just wondering if you had to look back on your experience, and if you had to speak to other people, lawyers, who were also Candidate Attorneys, in other firms, how do you think your experience compared to theirs, because you did public interest law?
- BH Ja, you hardly get firms where they do public interest law, but that's just one good experience that you going to get here, that you not going to get outside. There are so many chances that you can go and do more than what you have done here. Public interest is an interesting topic and it's an challenging field as well. So, I would encourage that because mainly people they don't look at that. They, they, are interested in civil cases, criminal cases, this is another interesting field.

Int I am wondering if you had to think also about particular cases, that you yourself were involved in and what were some of the cases that you felt were very rewarding that made a difference?

BH We dealt with these cases, were we were taking the government officials, that, there were times when they were not building schools in the rural area, so there was a case, where we read from the paper, this community the children were learning under the tree. It is quite far from here, so, it was an interesting case, where we had to take the Department of Education, they will have to pay some special duties and all that and that is one of the interesting case that we had to deal with and I was also mainly involved in that. Mahendra (Chetty) was dealing with that case but I was also assisting, we had to travel to go and see the school, take photographs, interview children, interview teachers and we, get to know the circumstances and the conditions, under which the teachers were teaching under. But...the, the, if you look at the place, you can't just say, it is an old building, that is a dilapidated building, and then the children are learning there, they have got quite a number of children. Just one of the interesting case that after I left here, I wanted to know how the case went about. And I heard that the school was built and the children were having a nice school and the condition had changed because of the case we did.

Int I am also wondering Bongi, in terms of ...each office and every organization has dynamics, what were some of the tensions for example in this office that you as a Candidate Attorney were aware of?

BH If you say tensions, can you just explain?

Int It could be anything, it could be tensions between professionals and admin staff, it could be racial tensions, it could be gender tensions, everyone organization has its own tensions, in the LRC, for you as a Candidate Attorney, what were some of the tensions?

BH I am trying to look back because we just a small office. Unfortunately, I can't just find a single incident other than the fact that we would always complain about with my fellow Candidate Attorney, was the experience that we didn't have enough cases that were going into court. I remember at some stage, we addressed that concern to say that they should enrol in another organization, maybe just to take cases, where we had to appear before court. We didn't have those cases, mainly. The cases, most of them that we had, those cases, could be settled outside court. That was the only thing that we would think about that we had at some stage, had to think about it and complain about it, but other than that, we used to get along with everyone, it was kind of a family office, where you come in, you are looking forward to coming to the office. People were very friendly, that is just one thing, I would also take from everywhere. It was kind of a family place, where we talked, we knew when we have to work and all that, but we also, we also know that you can talk to these people and they can listen.

- Int What have you done subsequently, after your Articles?
- BH Oh, after I left here, I have been to a number of offices, after I left here. After I left here, I thought I would just want to mainly deal with cases, where I will be in court, most of the time because I felt that I didn't have that, experience, so I have joined the National Prosecuting Authority, as a Prosecutor and then I have prosecuted there for about two years, and then from there, I found another position, at Legal Aid, as a defence attorney, so I worked for them for about three years. And then, got a position at the State Attorney's office and then I have also joined Department of Health as a senior legal advisor. I am now back in the State Attorney's office, I am based now in Durban.
- Int And how does your experience compare to the Legal Resources Centre, in terms of working for the State?
- BH One thing that they consider me at the State Attorney's office is the knowledge of the land restitution cases, because I was dealing with that. They wanted someone who is going to come and have expertise in that field. Unfortunately, they didn't have a number of people who can just deal with such cases. That is just one good thing that I have learned when I have started here and I am still working with that. Also the experience, the kind of cases that we...the eviction cases, it is similar cases that we have here, even now when we are acting for the State, it is kind of different because of that but the experience that I got here is the same experience that helped me in finding better positions, that I can say.
- Int One of the things that is a huge concern in the post-apartheid era, is that even though the LRC gets, continues to do the kind of work that it did during apartheid, for the people, for example, in the Eastern Cape, it has managed to reinstate pensions, its got favourable judgements but the actual State, but the government doesn't actually, it is in contempt of those order, so it doesn't follow through on that. What is your sense of how effective public interest organizations like the LRC can be, in a situation, where there doesn't seem to be this follow through on the part of government?
- BH What I can say, is that there are so many changes that need to take place, especially in our government. The offices, like business also need to be recognised because here how I integrate people's needs, depends what kind of office is bringing the case and the tensions that comes with that office. I think it is a matter of the offices, like the Legal Resources Centre, and going forward to prove their, they are the organization, they are also looking at the cases where justice needs to be served and then if there cases like that and if the parties are not taking those cases into consideration, then they can bring necessary application to make sure the justice is being served.
- Int Right, okay. I am also wondering when you said, earlier you mentioned that from all the things you have done, the Legal Resources Centre has been your best experience, I

wondered whether you can talk about that? Your two years at the Legal Resources Centre, why do you think that's been the best experience for you?

BH The reason why I am saying that is, the kind of communities that we dealing with, the test that we had to check was whether the person could afford the services of the attorney, most of our clients who used to come here, were the people who couldn't afford the services of the attorney. It is the same communities, that I can just say, I can understand better, because I grew up in the community like that, being poor, being not able what you are doing in certain circumstances, so I was working with those people, those people were desperate, they didn't know how they would be able to be assisted from the justice system, so those are the people that I used to deal with on a daily basis. At some stage, we used to consult in the front desk, where we had to take cases, where they come, so that was rewarding to me because those were the people that I could understand better and when you just deal with their cases, the appreciation that, they....that I could just have. So, that is why I am saying that I could understand that, because those are the communities that I grew up with. So, it, working under here, was mostly rewarding, the kind of cases that we used to do, the, the challenges that we had to do and we didn't have so much appearances, because we couldn't appear so much then. But, it was kind of interesting for me because that was something that I was looking forward to. It is so unfortunate that we were here on a contract basis that we couldn't get the permanent positions here.

Int So you would have wanted to stay on?

BH I would have wanted to stay on. I was given an opportunity in Jo'burg after I finished my Articles here, for a year. Someone was not in, I think there was something that they were calling Sabbatical leave that attorney was not in, so they wanted someone who was going to take over, maybe on the land restitution cases, so I worked in Jo'burg for a year after I finished here and later there was no position, so I had to leave and come back...

Int So, you did work in Johannesburg in the....

BH Ja, I did work at the Legal Resources Centre, for a year after I left here.

Int Really? Could you talk a bit about that experience and how it compared to the Durban office?

BH The Jo'burg office was kind of a big office. People were kind of different as from here. Here we were small and kind of a family, there, the challenges, firstly the language that they were talking, the people couldn't accept me because I was coming from this side and then there were people that side. Then they were expecting that if there was someone who was going to get a position, it was someone who was working with them in Jo'burg. That was a challenge that I had.

- Int Was that from the professional staff or the admin staff?
- BH Professional staff as well as the admin staff, because they were people that were working before me but they couldn't get this position also .That was the challenge, because you had to prove your point, because why you were there, why you were accepted, and then later they learned to accept me and we were able, we on good terms. We were working and it, it was not like here, in Durban but the cases were the same. We used to go and appear in court. There were cases where we had to go and consult. Mainly, the land cases, you have to go out, you have to be with the communities, you have to be with the stakeholders involved. The main thing used to be outside the office and file papers.
- Int Who did you work with in Johannesburg?
- BH I worked with, I have forgotten with her name now...
- Int Durkje Gilfillan?
- BH Durkje (Gilfillan) ja. I worked mainly with Durkje and then at a later stage, she got a position as a Director, I am not sure whether she is still a Director there. Ja, I worked mainly with her and Moray (Hathorn) as well.
- Int Moray Hathorn.
- BH Ja, ja.
- Int You worked with a range of people clearly, I am wondering if you had to look back at your experience of the Legal Resources Centre, who would you say, was the lawyer that really shaped you to be the lawyer that you are now?
- BH I would definitely say JP (Purshotam)
- Int Right, why JP?
- BH He was kind of tough on us. He will not let us get away with everything. When we came in here, we thought maybe he didn't like us. But, they say you learn, you learn so much from people. The one thing that I can say, he was a hard worker. He...you would every time see him working. He, he is working, he is researching something. When we were working with him he would give you some task, he would give you deadlines, sometimes you will think it was unreasonable, you know, tough. But he was this hard working person that I was admiring when I was here. The cases that we used to discuss and how we used to shape us that's the person that I could look forward to, him and Mahendra (Chetty).

Int I have asked you many questions, I am wondering whether there is something that you would like to add to your interview?

BH No, not really.

Int In the final part of the interview, it is really looking at rule of law issues. I mentioned earlier that in terms of rule of law, and respect for the rule of law, there have been current rumblings and crises in the judiciary, attacks on the judiciary, Constitutional Court judges have been called counter-revolutionaries, I am wondering what you think are some of the concerns you might have, having worked in the Legal Resources Centre and for public interest law organizations and how effective they could be in the future in that context?

BH I think there need to be some major changes at the judiciary and I think it is mainly governed by the organization that I am working in. They have got an influence on the judicial system and my opinion is that people from the judiciary system needs to be impartial to be able to deal with cases like this. And I think those are the challenges that Legal Resources Centre needs to deal with. We have got quite powerful organizations that are in control in government and whatever cases you bring at the end of the day, they are the people in power. They are the people who make the cases and not make the cases, those are the challenges that we are faced with. So, as I have said the Legal Resources Centre it is one of those big organizations that they need to make a statement but by making a statement, you need to bring the cases and part of the cases, you need to bring the government to task and that's how we are going to make a case and that's how we are going to make the organization work.

Int Bongji, I wondered whether we could end the interview, if you share a memory, whether it's working with JP (Purshotam) or whether it's Mahendra (Chetty), or whether it's a client that you feel really embodied what it meant to have worked in a public interest law organization, such as the LRC?

BH Let's see (laughter). The, there was just one, the big case. It is not actually a big case, it was one of those cases, it was coming from the front office. This lady used to be a teacher and that I don't know how it happened but his (her) pension has been suspended for quite some time and she didn't know what the problem and she has been from one attorney to another, at some stage, she couldn't even afford to pay. When she came in, the biggest task was are we going to take the case, because she was a teacher, or can she afford to go and hire the services of an attorney. And there, there sort of...(interruption) the challenges that we had is whether to take it or not to take it. I remember I am the one who had consulted with her and she had explained to me the problem that she was facing there and then I had to try and convince Mahendra (Chetty), he was the Director that we had to take this case and why we had to take this cases, and I am just saying how unofficially to deal with the case, because I have consulted with her. I took the case and actually, it didn't even take some time, I took about three months before the case was settled. There was the challenges that we had was there was, the monies was stopped because there was certain information that you

needed to supply and she had a suspensions while she was a teacher and we needed to sort those things out. Well, she came back, she couldn't put in....like talk, she was crying. Maybe, she was excited. I remember she came with her husband, to introduce me to the husband because at that stage, she had a daughter who was supposed to register at the university but she couldn't afford to do that. And she's saying she's been to everywhere and she thought that the daughters life was going to be affected because she didn't have the money and when she came there, I was so happy because I thought I am making a difference to someone else's life and I know how to grow up in a situation where you just expect someone to do a miracle for you. That was the fulfilling case that I did.

Int Thank you very much Bongi, for sharing your memories and for participating in the Oral History interview.

BH Thank you.

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