

OBITUARY: JOEL JOFFE

Dennis Davis (Judge of the High Court, the Labour Appeal Court and Judge President of the Competition Appeal Court)



Dignity in Dying

A young human rights lawyer from Johannesburg has had enough of living under a repressive racist regime. The Sharpeville massacre has taken place, in which police murdered 69 people whose only crime was they were black and protested against having to carry the hated *dompas*.

The young lawyer decides to emigrate to Australia with his wife and two baby daughters. But Harold Wolpe is then arrested pursuant to the Rivonia round-up, and soon after that escapes from a Pretoria prison. Wolpe's law partner and brother-in-law, Jimmy Kantor, is arrested, and the young would-be émigré agrees to delay his passage and wind up Kantor's office.

Winnie Mandela then approaches him to request that he represent her husband in a litany of charges brought against him and other ANC leaders, as formulated by the regime's diligent and unquestioning apparatchik, prosecutor Percy Yutar. He agrees and this further delays his departure from South Africa.

It is a true measure of Joel Joffe that he embraced this monumental legal task. Indeed, many years later Nelson Mandela would describe Joffe as "the general behind the scenes in our defence". Joffe recalled that, "for me, it was about saving the lives of those wonderful people", the nine members of the ANC who were on trial, whom Joffe described as "the finest people I have ever met – such courage, such integrity, so committed".

Our struggle politics were once populated by giants. Joffe constituted a team of equal legal distinction, including Bram Fischer QC, George Bizos, Vernon Berrangé and Arthur Chaskalson. As befits a human rights lawyer, Joffe knew well that, the lawyers' technical expertise apart, his clients wanted to use the trial as a political event by putting the apartheid regime

on trial. That they did and Rivonia remains the case where our great leaders, notwithstanding horrendously lengthy prison sentences, defied the odds arranged by the racist regime and emerged to take their rightful place as leaders of a democratic country.

Joffe wrote two instructive books about the trial: *The Rivonia Trial* (1995) and *The State vs Nelson Mandela: The Trial That Changed South Africa* (2007).

The trial held consequences for Joffe. He was given a one-way "exit visa" from South Africa, but Australia, to its eternal disgrace, deemed him an undesirable immigrant. The Joffe family landed up in the United Kingdom. There he changed course and established, with another South African, an insurance business, Abbey Life, which later became Hambro Life Assurance. It was hugely successful and Joffe became an exceedingly wealthy man.

But he never forgot his human rights commitments, forged in the country of his birth. Hambro was one of the first UK companies to devote a meaningful share of its profits to charity. He was the chair of UK charity Oxfam from 1995 to 2001.

On becoming a Labour peer in 2000, he committed himself passionately to the legal recognition of euthanasia, going so far as to propose a private member's Bill to recognise the rights of the terminally ill. He also remained active in a range of causes designed to enhance South African democracy.

All these extraordinary achievements aside, it was his principled, deeply committed contribution to the defence of the Rivonia accused for which he will be most remembered – and rightly so, as a model for future generations of South African lawyers. **A**