

George Bizos, C.P. Cavafy and preparing for trial

by Geoff Budlender SC



Arthur Chaskalson and George Bizos at the Soweto Stadium in 1990

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In 1976, four leaders of the National Union of South African Students (NUSAS) and an academic closely associated with NUSAS were prosecuted under the Suppression of Communism Act on charges of furthering the aims of communism and of the ANC. The charges related mainly to a campaign for the release of political prisoners, and work with the African trade union movement.

I was an articled clerk working for Raymond Tucker, who was the attorney representing the accused. I had myself been involved with NUSAS. Arthur Chaskalson, who led the defence, gave George and me the task of taking a statement from Charles Nupen, Accused No 2.

Charles and I met George for a consultation at his chambers one evening. We went there in a state of some anxiety: the charges were serious, we were both novices in this field, and now we were to consult with the famous and formidable Bizos.

George picked up the indictment and read it. He paused, and then said "Charles, do you know the poetry of C P Cavafy?" Charles admitted that he did not. George reached up to a shelf, pulled down a book of Cavafy's poetry (I thought to myself: What is a book of poetry doing in an advocate's chambers?), and read us Cavafy's famous poem *Waiting for the Barbarians*. It was very apposite. He then started talking about some previous political trials. He talked about Rivonia and other trials, big and small. He talked about some of the accused in some of those trials, famous and not so famous. He told us of the things the prosecution did, and what the defence did. We sat spellbound. After some time, he picked up the indictment again:

"Charles, do you deny that you did these things which the State alleges you did?"

"No, George, I don't."

"Yes, that's what I thought, people who act for their political ideals don't deny what

they are proud of having done. Charles, the indictment says that you did these things to further the aims of communism and the ANC. Is that correct?"

"No, George, I did it to further the aims of NUSAS."

"Yes, that's what I thought. Fine, I think that's enough for tonight. Geoff, you will now take a detailed statement from Charles dealing with the events alleged in the indictment. Then we will talk further."

I have often reflected on that consultation with George Bizos. He knew what he was doing. He understood how we felt. His first task was to put us at our ease, to put what was happening in its historical context – a context of which we could be proud – and to nail down the key question in the case. Then the detailed work could begin.

George had a genuine care for those who were his clients. He sought to understand them, their fears and their hopes. He would be their champion, unflinchingly.

His cross-examinations were deadly, because he had an uncanny ability to get inside the minds and feelings of each witness. Countless police officers, police spies and hostile witnesses fell apart under his cross-examination.

He was not always easy to work with. He worked odd hours. The pursuit of evidence could be seemingly endless.

He was a master strategist. In 1977 and 1978, the trial of Tokyo Sexwale and 11 others took place in the Pretoria High Court. Again, Arthur Chaskalson led the defence team. George was not part of it. At various points, tricky questions of strategy arose. Arthur's method of dealing

with them was to discuss them carefully with all of the accused and the legal team. Then, if he was still unresolved, he would say "I think I'll go and see George". He would return the next day, and a decision would then be taken, usually in accordance with George's advice.

George was a man of great generosity. No-one who attended his more or less annual party, with lamb on the spit and a huge salad from his garden, could forget it. There was George, in a large floppy hat, directing operations. His wife Arethe quietly made preparations. Their three sons scurried about doing George's bidding. George welcomed guests, made sure they were well-fed, and told wonderful stories. They were magical events.

His generosity went beyond the material. In the late 1980s, he and I had a quite serious disagreement, and it affected our friendship. Typically, it was George who took the steps to heal the breach – undemonstratively, in small ways, but unmistakably showing that we were still friends. And so we were.

He was, to use that over-used phrase, a legend in his own lifetime. In the early 2000s, we worked together at the Legal Resources Centre in Johannesburg. If you went out for lunch with George, you had to allow extra time for it – not just because he liked a good lunch (which he did), but because when you walked down the street with him, countless people would stop him and say "Mr Bizos, I want to shake your hand". George enjoyed that. He would stop, exchange a few words with the person concerned, and then move on. This rather slowed down proceedings.

George Bizos was truly much loved. He was a wonderful friend and colleague.